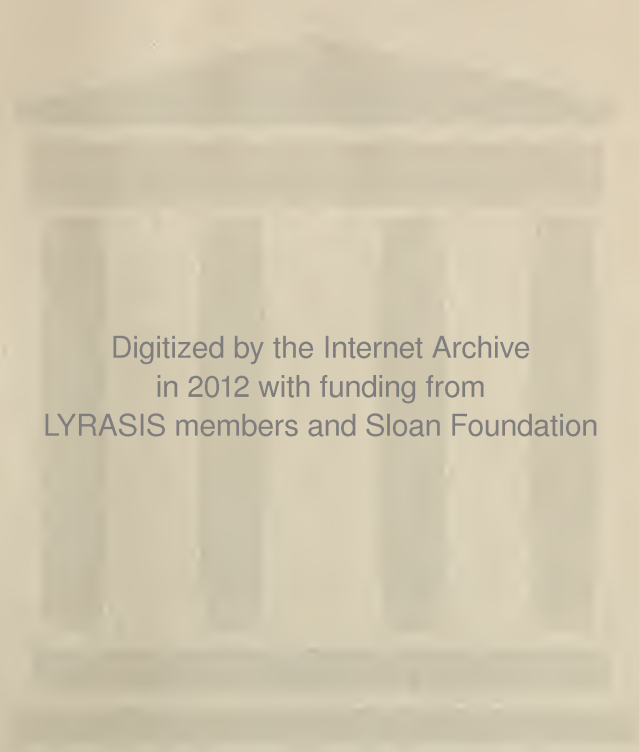


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SOME CAMPAIGN LETTERS

About

Walter Clark



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Some Campaign Letters

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1902

Some Campaign Letters

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EXPLANATION

In republishing these letters in pamphlet form there is no purpose to prolong or revive the "Clark controversy." It seems desirable to preserve in some permanent shape so much of this matter as shall be needed to give a clear understanding of the situation to some future historian, who shall undertake to write the political history of our time.

We lose sight of the fact that even the standard of morals changes, because the process is so slow that it can be seen only in perspective. Note that but little more than two hundred years ago the best people in the world served God by burning witches at the stake. As recently as forty years ago human slavery was practiced and protected here in this land of the free and the brave. Indeed, it was honestly considered a Divine institution by our good fathers, and the holiest men this republic has known prayed God's blessing upon the arms that were defending it.

We see these things from a different stand-point, and we wonder that they can be a part of our almost recent history. So the next generation, perhaps, will hear with amazement that their fathers were driven to the polls like so many sheep, cringing under the party lash, and fawning upon the party boss.

To complete the proof furnished by these letters, it is only necessary to record here that Judge Walter Clark was nominated for chief-justice by the Democratic convention, receiving more than eleven hundred votes out of a total of twelve hundred and forty, and that he was elected on November 4th, 1902, by a majority of more than sixty thousand, out of a total vote cast of but two hundred thousand.

Dec. 23, 1902.

[*From The Charlotte Daily Observer, January 26, 1902.*]

[Note:—This letter was intended for publication in the News and Observer, with the idea that most of the prejudice it was intended to correct could be more certainly reached through that channel. The editor of that paper declines to give it space. I shall feel indebted to any North Carolina Democratic paper that copies it, in whole or in part.

H. A. PAGE.]

To the Editor :

It seems to be pretty generally accepted that Judge Clark's ambition to sit in the middle on the Supreme Court bench is to be gratified without objection from any one, democrat, republican, populist, brindle, mixed or what not. It would seem to an ordinary observer that the woods are full of fellows who do not want Judge Clark to be Chief Justice, but when you undertake to count up the opposition, like Uncle Remus' lizard, "Dere enfloons is powerful lacking." I have stumbled upon quite a number of men, largely attorneys singly and in small bunches, who do not hesitate to say in private conversation that they are opposed to his nomination, but they do not want to let the public have the benefit of their views on the subject. I wonder why? Why should these usually courageous men wish to keep their views from the public, or from Judge Clark? And why is there so much whispered objection to his candidacy, and so little open opposition to it? Has it become a crime to prefer one man for office to another? Is it treason to party to express preference for one man, or objection to another, or is Judge Clark above and beyond and out of the reach of the criticism and opposition of men? Surely these attorneys cannot fear him. Why should they? To be sure they are petitioners at the bar of justice, and he the dispenser thereof, but—

perish the thought! That cannot be the explanation. But why is it? When you come to think about it, it is in fact a very queer situation. It is altogether possible that if I knew what these men know I would sign "Vox Populi" or "Citizen" instead of my real name to this letter; so I may be like the fool I must be, marching in where angels fear to tread. In ignorance of why I shouldn't say it, I want to publish the fact here and now that there is at least one man in North Carolina who is opposed to the nomination of Walter Clark for Chief Justice, Associate Justice, Superior Court Judge or magistrate. If he has ornamented the position he has occupied, contributed to the growth of respect for the majesty of law in the public mind, and helped to raise the judiciary above partizanship, petty spite and prejudice, to that high plane it should occupy, then I am all wrong about it. I contend that, as I see it, he has done none of these things. Judge Walter Clark has been before the footlights, playing the leading role, the star performer in fact, in State farce and Church comedy quite long enough. That is, long enough to suit me. Now please don't anybody hop up to say that it does not matter whether it suits me or not. I could not know that any better than I do now if each several and separate subscriber to your paper should write me a personal letter particularly to say so. It is this very fact that gives me liberty to speak out and say what I think. If my views amounted to much I'd probably be afraid to air them. If I had political influence to accomplish anything, Judge Clark would probably strike back, demolish, annihilate me, and I'd think twice, several times indeed, before I spoke. In fact, I expect I would follow the example of the good friends I mentioned; take it out in thinking.

Judge Clark's views on certain well-known questions are so radical, and his expression of these views has been so general, that I believe he is altogether unfitted to hold the scales of justice evenly—not between man and man perhaps, but between man and corporation certainly. We

will presume for the sake of argument that he is honest ; that he really believes that the railroads of the State should pay about three times as much tax as they now pay ; that they should be made to reduce their rates 30 or 40 per cent. and be held liable for damages in money for everything that happens in four miles of their tracks. There are some people, you know, who do not believe all he says along this line. They claim that his abuse of corporations — particularly railroads, is simply a means to an end. That he is a “shrewd politician and manipulator” seems to be generally admitted, and the folks who take this view argue that he antagonizes corporations simply and solely because that seems the shortest road to the political affections of many of the people. This new view of the situation is not creditable to Judge Clark, to be sure. That a man of his ability should foster and nurse the prejudice of ignorance, and cause it to blaze into bitter enmity to legitimate enterprises, for no other reason than to gain favor with these same prejudiced voters is past belief. That any leader among us could, for purely selfish and base purposes, use his influence to promote the growth of class hatred, with its accompanying evils, is too stupendous for credence. There are, as I said, people who think this of Judge Clark, but for my part, I will spurn the insinuation, and presume, (for the sake of argument still) that he honestly believes the policies he stands for to be right and proper. It necessarily follows then that he must be a hobby-rider, a man with one idea, a partisan.

Now we hear of him addressing a bar association, then an assembly of teachers, at another time a convention of editors, and again he is a commencement orator. All the time and everywhere his theme seems to be the devilments of railroads ; they dodge taxation, they exact exorbitant toils, they murder their employees. It does not seem to matter whether his hearers are sedate and august jurists, or beautiful girl graduates in white dresses and pink slip-

pers; he thunders forth his denunciation of corportions all the same.

Granting that he believes all he says, that the burdens of our railroads should be increased three-fold and their revenue cut in half, that the finding of a dead body near a railroad is *prima-facie* evidence of the guilt of the corporation, gentlemen and fellow citizens, I ask in all seriousness, is he such a conservative, well-balanced impartial jurist as you would wish to adorn the Supreme Court bench of your State? Why do we exclude from our jury boxes men who have formed and expressed opinions upon the case at the bar? Simply because experience has shown that men cling to their opinions, against the world, the flesh and the devil, not to mention such an unimportant thing as evidence, hence jurors who have opinions cannot be trusted to bring in verdicts in accordance with the evidence.

If one of Judge Clark's Halifax country farmers should have a difference with him and sue him, and the case should reach the Supreme Court, would Judge Clark sit upon that case? Certainly not. Why not? Not simply because he is a party to the suit, but because being a party thereto, he has already formed opinions, and he is therefore held to be incompetent to impartially weigh evidence or apply law. I insist that Judge Clark's hostile attitude toward corporate interests, as evidenced by his published utterances, would exclude him from the jury box in many of the railroad cases that come into our courts. And if unfitted by previously formed opinion for jury duty, who will say that he is still capable, of dealing out even-handed, exact justice from the bench?

I am not a lawyer, and therefore I am not able to take up and analyze what is called by a legal correspondent of The Charlotte Observer "the recent line of decisions against railroads." The general impression seems to be that in recent years law has been given new interpretations, and that each departure from the old landmarks

has removed some obstacle that stood between the impecunious client (and his contingent-fee lawyer) and the strong box of the railroads. A lawyer would be able to discuss these decisions one after another, and show Judge Clark's connection with them. This does not seem necessary, since he is generally considered the leader of the anti-corporation element in North Carolina, and his admirers claim that he is entitled to the credit of making damage verdicts easy to obtain. It seems that nothing more is needed to connect him with "the new line of decisions" except to remember that he sat upon the Supreme Court bench of North Carolina during the period these changes were made. I presume, however, that neither the judge nor his friends will care to deny the soft impeachment that he is largely responsible for the opening of the treasury of the railroads to the good people. Indeed, it has been hinted that Judge Clark's champions are courting railroad opposition, and it has been said that the opposition of corporate interests is relied on as the strongest reason why he should receive the nomination for Chief Justice. Men and brethren, why? Have we fallen so low that the opposition of any conservative element of our business men is counted creditable? Why should railroads antagonize Judge Clark, if he is fair and just? Do they want to pack the bench as they have been accused of packing juries? Has any suggestion been made looking to the nomination of that monstrosity known as a railroad attorney for Chief Justice? Has anybody ever suggested that Judge Shepherd or Judge Connor was biased in favor of railroads, or any other special interest? Their lives and public records command the respect of all classes and interests. Why, then, is it not good policy, especially at this particular time, to nominate some such man? There are plenty of them in the State. What particular claim to the place has Judge Clark? He certainly does not possess the confidence of the whole people. He has been sucking the public pap long enough to discharge any debt

the party may owe him ; his nomination will not contribute to the healing of the differences among us. On the contrary, it will present a new bone of contention and widen the breach.

That many of the judgments against the railroads in recent years are grotesquely ridiculous in their injustice cannot be denied. Attorneys for the plaintiffs in many cases privately admit as much. This fact is well-known to court officers, attorneys and the sufferers ; but I am satisfied that the great body of honest and honorable citizens of North Carolina is not familiar with the extent to which this robbery under the form of law has been carried, I believe it is a fact that the Atlantic Coast Line had to pay a judgment of \$500 because one of its trains ran over a drunken negro lying on its tracks about midnight ; a much larger sum, \$12,000, because one of its station agents shot his own brother or brother-in-law in or near the company's depot, on account of a family brawl that had been kept up for years. The Seaboard Air Line had to pay \$2,000 or thereabouts, for a three-year-old negro child's arm, after the engineer had begged the child's mother to keep it from playing on the track. The case against another railroad because a conductor struck an unruly trespasser who had been ejected from the train and who applied an unmentionably filthy epithet to the conductor, is well-known. A passenger recovered \$2,000 because her knee was bumped by a valise in the hands of another passenger. There are other cases now pending in our courts, claiming damages so enormously out of proportion to the alleged injury that the mere mention of the case provokes smiles. Of some of these, and the demoralizing, debauching tendency of this easy road to wealth I may have something to say at another time.

This "new line of decisions" has so changed the conditions of employment of labor by transportation companies that their employees now practically secure insurance with their work ; insurance not simply against death, but in-

jury from any cause whatsoever, the neglect of their fellows, their own negligence, or the act of God. This applies in a still stronger way to passengers, of course, and in most cases to trespassers also.

Some gentlemen raise their hands in holy horror when it is said that corporations are not treated fairly in our courts, and they cry out, "The integrity of our courts, the bulwark of our liberties, must not be attacked." I shall be sorry if what I have said or what I shall say stirs up such a defender of the courts. I wish to have no controversy with such a one. If he has ordinary intelligence and any information he knows corporations frequently suffer in our courts simply because they are corporations, and the truth is of more importance than courts or bulwarks, or even liberty. Such declarations are on par with certain other impressions we wish as a community, a county or a Commonwealth, to make upon the outside world. Many years ago a Northern paper declared that many North Carolina women were habitual snuff-takers. The late Randolph Abbot Shotwell, then editor of *The Farmer and Mechanic*—chivalrous gentleman that he was—took up the gauntlet and in his reply declared that he had never seen a North Carolina woman take a dip of snuff, and that he did not believe there was a snuff-taking white woman in the state! I have no doubt he was correct in the first statement, and that he thought he was in the other. Any way, his statement settled the matter. The snuff-dipper did not—for obvious reasons—correct him, and others did not care to, so his statement stands uncontradicted to this day, so far as I know. In the same way a little while ago we were accused of reviving the Ku-Klux-Klan, of wearing red shirts and carrying Winchester rifles for the purpose of intimidating colored voters. Our leaders replied that every man had the right to select the color of his own shirt, and beyond the exercise of this precious privilege there had been no intimidation. The men who carried the guns and used them did not, for obvious reasons, antago-

nize this statement of the case, others did not care to, so the statement stands. Just so now somebody suggests that railroads are not fairly dealt with in our courts, and a dozen defenders speak at once, denying the charge and charging the accuser with all sorts of crimes. Our corporation law is perfect, they say, the administration of justice in North Carolina is above suspicion, every judge as pure as the driven snow and juries proverbially fair to corporations. Settled. Who disputes it? Contingent-fee lawyers, or their clients? Certainly not, for obvious reasons; disinterested persons? Why should they? We naturally wish the impression to prevail that is most creditable to us as a community. Railroad officers? Not one of them has ever been known to tell the truth even once! The beneficiaries of incorrect statements and false impressions do not, as a rule, furnish corrections. Upon the principle that no well-dressed, sweet-smelling gentleman wants the job of uncorking a stink-bottle, we do not go out of our way to uncover the truth, when we fear the truth may shame us, therefore the great body of our honest citizens are silent on this subject. Railroad officers and employes are practically powerless because juries have been taught by demagogues that these people cannot be believed even under oath. That last statement seems extreme, you say. Let us see if it cannot be proven. As between a locomotive on its own rails, and a cow on the locomotive's rails, the law gives the right of way to the locomotive. That is hard to believe, but I am told it is true. If every possible precaution is taken by the crew to avert collision between locomotive and cow I understand that the law holds the railroad company blameless. Ever since railroads began, engineers and firemen and brakemen and conductors have been swearing that all precautions were taken and every effort made to stop the train. With this evidence before them, corroborated by the well-known fact that cattle on its rails are almost as dangerous as cross-ties on the rails, North Carolina juries, with unfailing regular-

ity, bring in verdicts against the company. This can mean but one thing, these men have lied.

As I have said, the good, honest people of the State prefer to believe that every litigant is accorded a fair show in our courts. It is the situation most creditable to us, most desirable. I assert that it is far from true and I dare maintain that in a majority of the suits decided against railroads in this State during the last decade, some prejudice, great or small, has been brought into the cases to the detriment of the corporation which could not have been used if both parties had been individuals. More often than otherwise perhaps the trouble is found in the jury box (but it is not by any means confined to the jury.) An attorney told me of a case he prosecuted in an Eastern county against the W. & W. R. R. Co., in which he recovered a much larger sum than he had expected or hoped for. After the trial one of the jurors approached him and explained that he had hung the jury for hours, and forced a compromise verdict for a larger sum than the other eleven jurors were willing to give, and added, "I guess I am now even with the railroad company for killing my stock." Another attorney brought suit against the same company for \$500 damages for the obstruction of a ditch, resulting in the overflow of water on the land of his client. He recovered the full amount claimed. He told me that his client had been trying for five years to sell the piece of land, lock, stock and barrel, for \$300, and that only about one-fourth of it was damaged by the water.

I said that all the trouble was not with the juries. Some attorneys coach their clients until the tale of woe they tell is well-nigh perfect. With glibness born of study, and with embellishmen's learned in the lawyer's office they tell their story of mental anguish in tones that would bring tears to the eyes of a statue. To be sure the cross-examination may bring out contradiction—what matters it? The desired impression has been made, pity aroused, and it is just as possible to remove it as it is to recall gossip. A

woman plaintiff dressed in mourning, in the hands of a skilful attorney, is good for \$5,000 any time. If her case is good, her sex and garb are worth that much in addition to what she ought to have. We have some attorneys in North Carolina who are specialists in railroad cases; they know how many bars Gate Keeper Clark has let down and where to look for the next to drop. I know a fellow who got caught in a little accident, bruised one leg slightly so that for a day or two he needed the help of a cane and even with the cane his gait was not exactly regular; he hopped a little. The cane and the limp did not seem to the company to be worth \$10,000, so he hung on to them long after they had passed their day of usefulness, and employed one of the "specialists." That fellow tried to limp when his leg did not want to limp until he twisted himself all out of shape and came near being maimed for life. One evil day he saw a prisoner break away from a policeman and run as only a man can who runs for liberty. Our friend was something of a sprinter before that awful accident befell him. He forgot himself! He fairly "burnt the wind;" he caught the fleeing prisoner, jerked him down, and sat on him. Then he remembered; too late; the whole town had seen the race. He wrote the "specialist" that he was thinking of accepting a proposition the road had made, and compromise for \$100. He got this reply: "Don't under any circumstances compromise; for the purposes of this suit move your residence to —— county and I will guarantee you a verdict of \$5,000." Signed by one of the most prominent anti-railroad specialists in North Carolina. Now, you gentlemen, who charge railroad attorneys with corrupting jurors, please tell me, was there any connection between that guarantee and the fact that our specialist lived in —— county? I saw this letter, remember.

Another case I recall. A negro had his foot mashed, and the company hired a nurse, a cook, and a doctor for him. Before recovery, suit was brought for \$5,000, and

the pay of these attendants stopped. Later he hopped into the office of the company and asked to have these debts paid, and for such employment as he was fit for, adding, "I knowed all de time nobody in de worl want to blame for me a getting hurt, 'cept myself." "Well, Ben, that does not exactly square with your statement of the case as made by you and sworn to here in this complaint. How about that?" "Well, sir, I tell you how that was. I was laid up dar, hurting powerful bad, and Mr. ——— come to see me, and told me him and me could get a big pile of money out of de company, and read a paper to me and told me to sign it. I told him the paper had it wrong, that I hurt my foot myself, and he said but I must sign the paper anyway to git de money and I signed. Dat's de way dat was." This statement was reduced to an affidavit and Ben swore "dat was de way it was." Some time when you are passing I will show you the affidavit.

Then again, we have had judges who feared or courted public sentiment (most men desire public approval.) whose ruling on doubtful points were pretty sure to follow the precedent least favorable to the corporation, that body without soul or vote.

There is something mysteriously awful about law as applicable to railroads, to the mind of a layman whose business connects him with it. There seems to be no final arbiter that inspires confidence. The award of the highest tribunal is nothing more than the opinion of a man or set of men as to what law is; an opinion that has been both affirmed and contradicted perhaps a thousand times; and one that may be set aside by the next man or set of men who succeed to the bench. Other sciences and arts seem to lead all their votaries, if by different paths, to the same bed-rock foundation.

When I had less experience than I now have I thought that the doctrine of "the proximate cause of the injury" might be invoked by railroads in some cases where it

seemed that the plaintiff's negligence was really the "proximate cause" of the injury; and I have depended somewhat also on that other doctrine of "the last clear chance to avoid the injury." To a reasonable man—not a lawyer—it would seem that sometimes things would so happen that the plaintiff must be held to have been the one or to have had the other. But my experience has taught me that whenever the plaintiff seemed to have been the "proximate cause of the injury" the railroad always had the "last clear chance to avoid it; and if the railroad was the "proximate cause of the the injury" it was also guilty of continuing negligence," and the doctrine of the "last clear chance" could not be invoked." Beautiful drag net, that is!

There are some things that are incomprehensible to the ordinary human mind. Who, for instance, can measure or grasp the meaning of eternity; without beginning and without end? Existing before time was, before the morning stars sang together, and continuing without end; on through all the centuries that time may last, and on and on through the millions of periods, each corresponding to millions of centuries, after time shall be no more. Can any finite mind grasp a thought so stupendous? Surely not; and yet it seems no more difficult, to my mind, than the process by which "mental anguish" is figured into dollars and cents, and I am told that Judge Walter Clark did that. Mrs. Eddy must have had him in mind when she declared through inspiration. "All is mind, nothing is matter." If Agur, the prophet of old, had had Judge Clark for his confidential adviser he would have had no need to exclaim, "There are three things which are too wonderful for me, yea, four which I know not!" Any conclusion as well settled as this one that mental anguish is worth money, ought to be capable of analysis. I want to know by what table of value it is measured to reach its equivalent in dollars? To be sure, the world is full of sorrow and suffering. Riley says we are "wading shoe-

mouth deep in woe." One of the foundation stones of our religion is the doctrine that "He loveth whom He chasteneth," which may assuredly be reversed to read "He chasteneth whom He loveth," and we are taught to expect bereavement and sorrow and suffering. One of the standard petitions in the prayer book is, "Guide us through this unfriendly world." To suffer mental anguish is the frequent lot of mortals here below. Judge Clark has found out that it is convertible into money. Oh, ye host of sorrowing mortals, look up and be glad! There is a balm in the court house for every wound! "Come ye disconsolate, here tell your anguish." Bring your breaking hearts to the bar of justice, and Doctor Clark will staunch every bleeding pore with golden salve.

I want to know how much money for a given amount of anguish. Fifteen pounds of sugar for a dollar, bacon ten cents a pound, flour five dollars a barrel, herrings a cent apiece, how much per ang? That problem has found lodgment in my brain and will not down at my bidding; it cries aloud for solution; how much money per ang? I have tried it by every rule of mathematics known to me and I get no further than the simple proposition. If a cow and a calf are worth a dollar and a half, how much is the calf worth? Let X represent the unknown quantity. How many ang's for a dollar? At times I have thought I was on the track of a clue, almost in reach of one known quantity from which the unknown might be figured out, and the solution reached. Recently a gentleman brought suit against a telegraph company for mental anguish on account of non-delivery of a telegram, telling of the death of a sister until too late for him to be present at the burial. He valued his mental anguish at \$1.999. This seemed tangible, as giving at least one man's view of the problem that clamored for solution, until I reflected that he was forced to name a figure below \$2,000 in order to keep his case out of the Federal Court. His real view might have been that his outraged feelings were worth

\$3,000 or \$4,000 or even \$5,000. Other facts came to light still further complicating the situation. It appeared that the sister, a married woman with a family, had been ill for three or four weeks, an aggravated case of typhoid fever, and that at least a week before her death the attending physician informed the family that there could be no hope of recovery. This absent brother was informed of all this, by mail of course. Did he come, do you think, to speak words of comfort and cheer and encouragement to this playmate of his boyhood; to clasp her hand; to whisper loving words; to go close beside her down to the river's brink, and point away from the dark waters beneath her to the mother awaiting beyond? (He was a leader in his church.) Did he do all this, do you think? I am told that he did not; that he went about his task, day after day, within a hundred miles of this dying sister, and that he made no move to lessen the distance between them. The message did not come promptly and he was denied the poor boon of looking for a moment into an open grave. One thousand nine hundred and ninety-nine dollars damages he said in the complaint, and made oath to it. A year later he suggested to the telegraph company that \$300 would pay the bill, and he got it. Alas and alack-a-day—no hope here of getting a known quantity to help me solve the old mind-worn problem! Too much depreciation in a year. At the same rate, in another year, he would have had to pay the company \$1,399 for keeping from him the news of his bereavement. Note the various difficulties this case opens up to one who would know the market value of mental anguish. A sister, mark you, and say \$2,000, for even money; how much less for the death of a cousin? for a friend? for a stranger? It's like turning the tail race below the dam, back around the hill and into the pond again. I can never get away from the starting point; the problem is still unsolved; how much mental anguish for a dollar?

This is another one of the flood gates Judge Clark is

said to have opened. That same correspondent of The Charlotte Observer charged that he was largely responsible for the epidemic of mental anguish suits in North Carolina, and I have seen no denial. Lawyers of ability tell me the same thing. It is altogether certain that he is regarded by corporations as an enemy, and I think I have shown that they have good cause to so regard him. His friends, I believe, hold the same view, which makes it pretty nearly unanimous.

Then, in all good conscience, I ask would it not be fairer, would it not more nearly promote the ends of justice, to elevate to the highest judicial position in the State some other jurist who commands the respect and confidence of all the people?

I am in a position to say to the Democratic party leaders in North Carolina that there is no good to come of rubbing pepper in old sores. A policy of give and take, within the party, an honest effort to reconcile differences, is due just about now.

We shall see what we shall see.

HENRY A. PAGE.

Aberdeen, N. C., Jan. 24, 1902.

Maj. Jas. W. Wilson's Letter. (From the Charlotte Observer.)

To the Democrats of North Carolina:

The political situation in North Carolina is one of some uncertainty. The approaching election is to be held under conditions and circumstances that are new to us; we cannot with any certainty foretell the result of the various changes in the Constitution and the election laws enacted since the last election. The enemy is awake, preparing for a vigorous campaign. It therefore behooves us to look well to our defences, to take counsel of one another, to plan wisely, to execute carefully.

We are just now emerging from the baneful effects of Fusion rule in North Carolina. The education of our people and the industrial development of our natural resources will soon put our State in the front rank of Commonwealths; but a mistake now would be fatal. I feel that my life-long adherence to the Democratic party gives me the right to speak to Democrats. My knowledge of a peculiar danger that confronts the party impels me to warn it. I respectfully ask the thoughtful attention of all Democrats, leaders in party thought and action, as well as the rank and file, to what I have to say.

The candidacy of Associate Justice Walter Clark for the nomination at the hands of the Democratic party for the office of Chief Justice of North Carolina, is openly avowed, and seems to be seriously received. Personal injustice received at the hands of this man led me to an investigation, the result of which I feel it my duty to make public. If any charge I shall make is untrue, Judge Clark has his remedy in a suit for libel, and he may be sure I shall plead justification and produce proof.

Judge Clark should not be nominated by the Democratic party, because :

1. He is not a Democrat, and was against us during the Fusion *regime*.

2. He is morally unfit for the place.

3. He is not and was not, during the Fusion *regime*, a Democrat. In the first place, he was elected in 1894 by Fusion votes. The Democratic judicial ticket, headed by Judge Shepherd—including Clark—was defeated. The Fusion judicial ticket, headed by Faircloth—including Clark—was elected. Judge Connor declined the Fusion nomination (as any other Democrat would have done), Judge Clark accepted it, at least by not declining, and was elected by Fusion votes. Clark, Democrat, was defeated, and there has been no such person in North Carolina since that election. Having "turned his face towards Sodom, is it any wonder he was soon deep in the flesh-pots of

Fusionism? What was his own estimate of his political status at that time? Let us see. He undertook to convince the Fusion Legislature of 1895 that he was good enough a Populist to go to the U. S. Senate instead of Mr. Marion Butler. He held private interviews with leading Populists in the Legislature of 1895, and sought at their hands the Senatorship, pleading that he had the endorsement of the Populist party in the election of 1894. When he says for himself that he is a Populist, shall Democrats gainsay him?

He was the confidential adviser of Butler, Russell, Ayer & Co. He had private, nay, even secret conferences with them; he inspired and suggested editorials in the *Caucasian* while the Fusionists were in control; he was one of them. Throughout the whole of that black page in North Carolina's history he was in close touch with the enemies of Democracy. He had no sympathy nor encouragement for the Democratic party during the White Supremacy campaign of 1898; instead he was conferring secretly with Marion Butler, with Dr. Thompson, with Hal Ayer, with Mr. Cade and other leading Populists. He thought the Democracy was done for in North Carolina, and aligned himself with, what he thought was, the winning side. After Judge Faircloth died and before he was buried, he requested Dr. Cyrus Thompson to see Governor Russell in his behalf, asking for himself the appointment as Chief Justice to succeed Faircloth, saying that his appointment would be acceptable to the Fusionists, and referring again to the support they gave him in 1894.

His correspondence with Governor Russell, Mr. Butler, Mr. Cade and other Populists was very voluminous, very interesting, and a part at least is still in existence. He wrote and spoke freely then, because he thought Democracy was a dead duck in North Carolina. He was not a Democrat then, he is not a Democrat now, and he cannot be elected Chief Justice of North Carolina. If nominated the correspondence I have referred to will be produced and

scattered broadcast over the State. Republican and Populist leaders may be able to whip their followers in line and elect unfit men to office, but Democrats have too much intelligence and too much honesty to vote for such a man; they cannot be made to do it.

Already these things are flying from mouth to mouth, and this hidden history of '94 to '98 is even now the subject of common talk. If Judge Clark shall be the standard-bearer of the Democratic party in this year of 1902 Democracy is doomed to defeat.

In October, 1898, when it became apparent that the Democrats would win, Judge Clark abandoned his former political associates, jumped on the Democratic band-wagon and tried to take charge of it. In order to make peace with the Democratic organization he was willing to sacrifice all his Populist friends and impeach the men with whom he was elected on the Fusion ticket of 1894.

Politically, he has been all things to all men. Prior to 1894, posing as a Democrat, holding office as a Democrat. From '94 to '98 the confidential adviser of the leaders of the Populist party, still holding office. In 1898, turning his face to the rising sun of Democracy, holding out both hands for more office. Winds from the four quarters of the compass blowing salary into his pocket. The rest of us suffered defeat and went down in sorrow and chagrin before the unholy alliance of black and tan; not he. The Kentucky postmaster who had held on for thirty years, and explained his staying qualities by saying that it took a darn smart administration to change any faster than he could, can learn tricks from Judge Clark, even as Saul of Tarsus at the feet of Gamaliel.

I am an old man now, and my thoughts often go back to the days that tried men's souls. From '61 to '65 I followed the stars and bars with Lee and Jackson. I have seen deserters and traitors shot, I have seen them pardoned and restored to the ranks, but I have never seen or heard of one

who was put in command of the army. The experiment, if made, will prove as disastrous in politics as in war.

2. He is not morally fit for the place.

I charge that Judge Clark has sat in judgment on cases which he himself had previously instigated, and concealed his connection with them. It is a well known rule of law that a new trial may be had if one juror of the twelve can be shown to have had any interest, however remote, in the case; or to have formed and expressed decided opinion about the merits of the case before the trial. Yet here we have a Judge of the court of last resort instigating cases with full knowledge that they would come up for hearing in his court (and hiding his connection with them), gravely sitting in judgment on the very cases he himself had inspired and writing judgments and rendering decisions with all the innocence of virtue. There is no parallel in the history of the judiciary in North Carolina.

I charge that Judge Clark prepared a paper which was submitted and tendered for the use and approval of Governor Russell, giving the reasons for the removal of the two Railroad Commissioners, Otho Wilson and myself, when he had every reason to know that the matter would come before him for decision as Associate Justice of the Supreme Court of North Carolina; that this paper was prepared by Judge Clark after personal conferences with Governor Russell and Senator Butler; typewritten, with frequent correction and interlineations in Judge Clark's handwriting; that after the Railroad Commissioners were removed by Governor Russell, and while they were resisting such removal in the court, Judge Clark wrote in his own handwriting a letter to Governor Russell, of which the following is the substance:

There was first a memorandum that the letter was confidential, or a request to destroy. It then stated that he (Judge Clark) had previously sent to the Governor a paper giving the reasons for the removal of the Railroad Commissioners; that the paper was in typewriting, but had in-

terlineations in his (Judge Clark's) handwriting ; that the paper had not been adopted by the Governor, but he now heard that the Commissioners intended to object to his sitting on the case when it came up for hearing before the Supreme Court, therefore it was important to destroy the paper referred to, as it was the only evidence of his connection with the matter, and requested Governor Russell to destroy the paper, if in existence, and to destroy the letter.

At that time I had no valid proof that Judge Clark had acted as promoter or instigator of my removal, and could not therefore object to his sitting on the case. Having, as he thought, removed the evidence of his connection with the case in its beginning, he did sit in judgment on the case, wrote the opinion of the Court removing me from the office, and was particularly active in having the Marshal seize the office by force of arms, thus depriving me of my office pending an appeal to the U. S. Court.

If Judge Clark cares to deny of the allegations I have made, full proof of my charges is in reach and will be produced.

In like manner I charge that he inspired or originated what is known as the free-pass indictments, and afterwards sat on them in judgment. How many other cases he may have originated or suggested and afterwards adjudged, there is no way of finding out ; but enough is known to warrant the belief that there have been very many.

In the Gattis *vs.* Kilgo suit, heard at this term, his connection with the case was so plain that it could not be hid, therefore he refrained from sitting on it. In Jackson *vs.* Corporation Commission, heard also at this term, the reverse is true ; it was hid (so he thought) and he sat on the case. Referring to this Jackson suit, it is a significant fact that Judge Clark appeared before Chairman McNeill and Commissioner Rogers privately, before they had assessed the railroads for taxation, and insisted that they should advance values *to the very figures Sheriff Jackson used in his complaint.*

It appears that he is not content to be simply a Judge. He wants to run every department of the State Government, and it is a remarkable fact that he very nearly succeeded—with the last administration—for a while.

Senator Simmons (Chairman of the State Committee), Governor Aycock (leader of the party in the State, head of the Democratic administration), what are you going to do about it? Is there any bargain which makes it necessary to nominate Judge Clark for Chief Justice? If not, why this general and quiet surrender to his ambition? There are dozens of great lawyers in the State, any one of whom would fill the position with honor to himself and credit to his State; men whose Democracy cannot be questioned, who have never surrendered to the enemy and who have nothing in their records to hide from Democrats. These are the candidates for the Associate Justiceships: Judge Connor, Judge Brown, Judge Moore, Mr. Walker and Mr. Lockhart; or Judge Shepherd, James H. Merrimon, Charles M. Busbee, M. H. Justice, W. A. Hoke, B. F. Long, Mr. Pruden, F. A. Woodward, T. F. Davidson, J. T. Eorehead and many others.

Senator Simmons and Governor Aycock, the rank and file of the party, are looking to you for guidance and inspiration; we have not been disappointed heretofore when we have followed you. What do you say now? If you think this is a fanciful complaint, that has little behind it, and will soon blow over, investigate for yourselves, feel the pulse of the party. These charges will be proven, if necessary. Even your splendid leadership cannot pilot Democracy to victory if encumbered with such a weight.

(1) What did Clark ever do for the Democratic party?

(2) When did he ever give of his time, his talents or his means to promote the success of the party?

(3) Remembering that he held office, as the gift of the Democratic party, continuously since July 1, 1885, a part of the time at \$2,500 a year, and lately at \$2,570, receiving in that time nearly \$45,000 in salaries, is he not already

the best paid man, in proportion to the party service rendered, the Democracy has ever had?

(4) During the Fusion *regime* did any one ever hear him speak, or hear of him speaking a word of encouragement for the Democracy?

(5) In 1896, when the Democratic Convention sent a committee to ask him to lead the party, did he not refuse, unless it was agreed that he should remain on the bench, drawing his salary, until the election was held and it was known whether he was elected or not?

(6) Was not this proposition of his to remain on the bench while a candidate for Governor in violation of the highest rules of judicial propriety?

(7) In 1895 did he not suggest to the leading Populists and members of the Fusion Legislature "that the man who received all the votes of all the parties was the logical candidate for the Senator to be chosen by the Fusion Legislature?"

(8) Did he not advise Governor Russell to remove the Railroad Commissioners, and did he not prepare an order for this removal, and did he not afterwards sit in judgment on their appeal?

(9) Did he not confer with Mr. John H. Pearson and get his consent to accept the place before Russell removed me, and did he not advise Russell that Pearson would accept?

(10) Did he not advise Governor Russell to institute prosecution against the Southern Railway for issuing passes, and did he not afterwards sit on these appeals?

(11) After Judge Faircloth died, and before he was buried, did he not ask Dr. Cyrus Thompson to see Governor Russell on the train, going to Goldsboro to attend Judge Faircloth's funeral, and ask the Republican Governor to appoint him Chief Justice?

(12) During the years 1895-'96 '97 and '98 did he not suggest many political editorials to Butler's Caucasian, and request Mr. Cade, the editor to burn the copy?

(13) After the Democratic Convention held in May,

1897, refused to accept Butler's Fusion Scheme, did he not say "The Democracy can't win. It was sold out, and has elected Simmons, a tool of the railroads, Chairman. It will be beaten worse than ever?"

(14) If these charges are true ought the Democratic party nominate him?

These charges are made in good faith, without malice (I am too old for that), but solely in the interest of the Democratic party in North Carolina. I challenge Judge Clark to deny a single one of them, and I promise, if he does, to produce proof at once.

Mr. Bachelor's Letter, (From Morning Post, April 30, 1902.)

Mr. Editor:

It has been the immemorial privilege of a suitor who loses his case to "cuss the court," but the late pamphlet signed by James W. Wilson abuses the privilege. He not only cusses out the wrong judge, for Judge Douglas (not Judge Clark, as Major Wilson states) wrote the opinion, which is an elaborate one, covering thirty-two pages and can be found in 121 N. C. Reports, pages 448-480, but with unparalleled cheek he assumes that his charges, absolutely unsustained by a tittle of proof, are to be taken as true unless Judge Clark disproves them. Such a course is so contrary to the most elementary principle of fair play and justice as to need no discussion with any fair-minded man.

The whole performance is but the repetition of a similar scene which so signally failed at the impeachment trial. It is now rehearsed, with blowing of horns and beating of drums by the "Dan-Russell-Jim-Wilson-Southern-Railroad-Combination," with the addition only of several well known railroad agents as chorus boys. In fact the article was concocted at a meeting of railroad agents and attorneys recently held in this city.

It is here stated on the authority of the highest character, from the section in which Maj. John D. Shaw lives, that he left home to attend that meeting. He said there had been a meeting to bring out an independent candidate against Judge Clark, which he had not been able to attend, but now some papers had been found against him which would ruin him, and that he was going down to Raleigh "to fix up the matter" and defeat his nomination. About the same time Major James W. Wilson left Morganton, making very nearly similar statements to some friends of his, as is avouched by a letter from a well-known citizen of Morganton. The files of the Raleigh papers show an unusual gathering of railroad lawyers in Raleigh at that time. This combination to secure the control of the Supreme Court of the State, and to reform and revise and change the decisions of that court which are repugnant to the corporations because fair and just to the public, sought to find the best mouthpiece for their purpose, and after considerable hesitation selected Major James W. Wilson. Knowing that a judge could not go into a newspaper controversy, these conspirators thought they had Judge Clark at a disadvantage by offering no proofs which his friends could answer, but simply making charges without proof, and calling upon him to answer. Their object was to embroil him personally in a newspaper squabble, keep it up, no matter what he said in reply, till the convention, and then say it was beneath the dignity of the office to nominate such a man for Chief Justice.

They had lately used Mr. Page, the president of one of the subordinate railroads (who, by the way, voted for the Republican candidate for President both in 1896 and 1900) to oppose Judge Clark's nomination by the Democratic party. His attack had specified the proofs of his charge and had therefore been promptly and effectually answered by Judge Clark's friends. It was at first thought that Page should again be used as their mouthpiece and he had boasted that he would issue this pamphlet, which can

be proved by a well known lawyer of his county, and he avowed his knowledge of its contents and its being forthcoming in one of his many recent visits to this city.

But it was thought prudent, in view of the failure of his previous attack to use another and it proves a more fortunate selection, for if ever a piece of goods bore a hall mark James W. Wilson bears in his whole career for long years past the trade mark "Southern Railroad Company—their man."

The article starts out with a statement by the nominal writer, Mr. Wilson, that Judge Clark had done him a wrong in writing an opinion in his case (which the record shows was written by Judge Douglas), and, getting hotter and hotter, it winds up by saying that he has no malice. This is a fair sample of the inconsistency and inaccuracy that pervades the whole joint production of the eminent railroad attorneys. In the light of a fair, impartial investigation, let us examine the charges: First they attacked Judge Clark's Party fealty. It is alleged that he was endorsed by the Populist Convention of 1894, and did not decline the endorsement, while Judge Connor did. Let us see how the truth may be: The Populist Convention met the first day of August, 1894. Mr. Butler had conceived the idea that he could achieve some popularity for his new movement by adopting the plan of dividing the judges between the two political parties, as is the custom in Illinois and several other States. In pursuance of that idea, the Populist Convention passed a resolution that they would cast their ballots for Faircloth for Chief Justice, Furches for Associate Justice, and "For Judge Walter Clark to succeed himself as Associate Justice, and for Henry G. Connor to succeed Judge Armistead Burwell as Associate Justice"—two well known Democrats, the other two gentlemen being equally well known Republicans. Judge Clark was at the Supreme Court room when he heard news of his endorsement, and as I learn from Hon. B. R. Lacy, our present Public Treasurer, he immediately

sent for him and Hon. F. M. Simmons, then and now chairman of the State Democratic Executive Committee and now Senator. Judge Clark stated to them, so Mr. Lacy says, that he was surprised, and said that the next day he would come out in such card as they thought proper, declining the endorsement, or he would take any other course they thought proper, Chairman Simmons advised his not declining, saying that he thought Judge Clark would probably be nominated for Associate Justice by the Democratic Convention the following week, and that it was his duty to his party to obtain all the votes possible for the candidate of the Democratic party. Judge Clark told him he had carte blanche to write what he thought fit and proper. It was thought best to put it in the form of an interview, and the following interview was thereupon written entirely in Mr. Simmons' own handwriting, and was adopted by Judge Clark without alteration, and appeared next morning in 'The News and Observer, parallel with a column containing the report of the Populist Convention. The original in Mr. Simmons' handwriting is still in existence and is in the possession of Mr. Lacy at the Public Treasury, where it can be seen. Here is a copy taken from the News and Observer August 2, 1894, on file in the State Library :

“AN INTERVIEW WITH JUDGE CLARK.

“Judge Clark was seen last night, and said in substance that the action of the People's party in endorsing him for Associate Justice was neither sought for in any way, or encouraged by him, that while he greatly appreciated the desire of any body of his fellow citizens to elect him to this position, it must be distinctly understood that he is a Democrat, and is not, and has not been a candidate for the nomination or endorsement of any party, except the Democratic party, that if nominated by the Democratic party at its convention on August 8th, he would be a candidate for re-election, otherwise he would not be a candidate.”

The news and Observer in commenting upon it states that Judge Clark and Judge Connor had been nominated without their consent, suggests a reason why Judge Connor would not be a candidate, and adds as follows: "Judge Clark is not in the same boat. Assuming the Democrats will nominate him, he will receive the votes of his own party and the Populists, and it may be that the Republicans will follow suit and he will be elected unanimously."

On the following day the News and Observer editorially, Capt. S. A. Ashe being the editor said as follows: "It is well to observe that Judge Clark in his interview which we printed yesterday says in effect that the action of the Populists in endorsing him was without his sanction, and that he would abide by the action of the convention of his own party, just as if the Populists had taken no such action, otherwise he will be no candidate."

After these prompt and excellent declarations, the Populists and Republicans who voted for him, could have no misconception of his attitude.

Two days after Judge Clark's card, Judge Connor published a very similar one in the News and Observer on August 4th. The following week on August 8th, the Democratic convention met and with all the facts known to Chairman Simmons and other leaders, and indeed to the public, Judge Clark was unanimously nominated by the Democratic party. Judge Connor could not run against Judge Burwell, the nominee of his own party, but Judge Clark being the nominee of the Democratic party had no right to refuse any votes tendered for its nominee. His declaration that he had not sought the Populists endorsement is as explicit as pen can make it, was written by the chairman of the Democratic party and was not denied by a single man, Populist or otherwise, in the whole state.

Two years later, as Major Wilson says, Judge Clark was tendered the Democratic nomination for Governor, and we know that he was unanimously endorsed for Vice-President by the State convention, and later was voted for by several

States at Chicago, as the running mate of Mr. Bryan, and his friends say he failed of the nomination solely and only because when a boy he had been a Confederate soldier. After these party endorsements six or eight years ago, it is too late to question his party loyalty. We who live in Raleigh, where he has resided for nearly thirty years past know that he has attended every Democratic primary and always voted the Democratic ticket without scratching. For a great part of the time I lived in the same ward and we voted at the same box. What better proof is needed? He has not canvassed of course, since being on the bench, but before that he had canvassed and contributed liberally of his means to party success. What record can Major James W. Wilson show in this respect? Has he not held office under every political party in North Carolina since the war? Is there nothing in the Fraud Commission touching his dealing with Swepson and Littlefield in their performance in days of high Republican rule?

It is charged in the pamphlet against Judge Clark that he declined the Democratic nomination for Governor, which he did because of his lack of means, as he stated at the time, to fill the position which the dignity due the State upon the then insufficient salary of that office with a young family to be raised and educated. It was suggested by his friends, not by him, that he could remain on the bench and be elected without canvassing. This had been done the year before by Chief Justice Turney of Tennessee, who had been elected Governor without canvassing and without resigning his position of Chief Justice, and the same thing had been done in New Jersey. This movement was especially opposed by the railroad element, whose principle desire then, as now, was to get Judge Clark off the bench. My recollection is that Judge Clark did not favor the proposition himself, and only agreed to it if the convention desired it, their judgment was also to the contrary, and that excellent gentleman and sterling Democrat, Cyrus B. Watson, was nominated and defeated.

The history of the court since that date shows that Judge Clark rendered a real and substantial service to the public by declining to leave the bench. So much for the charge of party fealty. Judge Clark has never been a partisan on the bench, but in his opinions and his dissenting opinions, especially in the "office holding cases," he has shown that in the construction of the constitution and all matters touching the inherent rights of the people and their right to voice their sentiments, through their Legislature he has clung to the faith of our fathers.

The charge that Judge Clark was a candidate for Senator by the Populists against Senator Butler in the Legislature of 1895 is so puerile that it must be one part of the pamphlet which is Wilson's own selection. If anything was well known in the campaign of 1894 it was that if successful Pritchard and Butler were to be the Senators and it took the joint votes of the Republicans and Populists in the Legislature to elect them. No living man could have defeated either of them with the followers they had just led to unexpected and unhoped for success. The suggestion of Judge Clark's candidacy was then heard of and if it were true would the Democracy the following year have tendered him the gubernatorial nomination and endorsed him for Vice-President? There are some things so extravagant that even inveterate malice and incipient dotage should not be made to assert them.

Next comes the charge that he is morally unfit, which will astonish the good people of North Carolina. The specification is that he has sat on cases which he has instigated to be brought. This charge is not only made without proof to sustain it, but proof to the contrary is readily accessible to every one. The only cases specified are those concerning the free pass indictments and the pending litigation as to the taxation of railroad franchises. The first indictment as to free passes is that of State vs. Southern Railway, 122 N. C., 1052, which was instituted by the grand jury in Wake county, the bill drawn by Solicitor

E. W. Pou, the present member of Congress from this district, and the opinion in the Supreme Court was written by Judge Montgomery. Mr. Pou and the witnesses in that case are accessible and it is an insult to them as well as to the grand jury to allege that Judge Clark procured the finding or drawing of the bill, or the sending of these witnesses to the grand jury. The other indictment was *State vs. Railroad*, 126 N. C., 666, from Burke. The bill in that instance was drawn by Mr. Spainhour, the present solicitor of that district. The charge to the jury was made by Judge Stevens, and the bill was found by the grand jury and upon evidence of witnesses not one of whom probably ever saw Judge Clark. The result of these cases were to put some three thousand dollars into the school fund. The only other case mentioned is the pending litigation brought by Sheriff Jackson of Washington county against the Railroad Commissioners to compel the levy of taxes upon their franchise alleged to be worth more than \$100,000,000 which till now has been wholly exempt from taxation, Senator H. S. Ward, who instituted the action as attorney for Sheriff Jackson, has stated in most unequivocal terms over his own signature in the public press, that Judge Clark had nothing whatever to do with the instituting of that proceeding. He is a gentleman of the highest character and needs no voucher. The judge who charges a grand jury to indict those who commit murder or larceny, or other offences against the law, cannot be said to instigate the proceedings, in such a sense that it is improper for him to preside at the trial of those against whom true bills have been found by the grand jury under his charge. Judge Clark has the courage of his convictions and no doubt stated publicly that the law against free passes was on the statute book, and ought to be executed, and he certainly also stated that if the law taxing the railroad franchises was to be enforced property of this kind worth \$100,000,000 ought not to remain untaxed while burdens of taxation were being borne by the

farmer, the merchant and the manufacturer to the utmost limit of the law. If such expressions had any effect to procure the execution of the law against those whom the grand jury found guilty, it is certainly not to the discredit of one whose oath required him to see to the impartial execution of the laws of the State. We need public officials who will instigate the impartial execution of the laws against all alike, against the rich as well as the poor, against the powerful corporations as much as against the poor man who may steal a crust to appease his hunger. It will be noted that the complaint in the pamphlet is all of execution of the law, against railroads, of their being made to obey the laws against their habit of corrupting officials with free pass favors and against the execution of the statute taxing their property which is now tax free.

Now as to Wilson's own case: Major Wilson, prior to the time that he was appointed to the Railroad Commission, had for many years been continually in the railroad service. It is well known that Governor Fowle refused on this ground to appoint him, though a former school mate and personal friend. The act was then changed so as to elect by the General Assembly, and his election by that body was earnestly advocated by the Southern Railroad and its agents. After he became a Commissioner there was a general demand in the State that the Commission should exercise the power for which it was created, by reducing the rate of fare for passengers and freight rates for it had been publicly stated, and generally understood, that the object for which the Commission had been established was the protection of the public from exorbitant railroad charges. The average rate of fare in the Union was less than 2 cents per mile, and while North Carolina was an average State in density of population, the rate here charged was and still is $3\frac{1}{4}$ cents per mile. Judge Clark stated in his speech, from which I take the above in substance that these rates were too high and ought to be reduced. Not long after that time Major

Wilson and Otho Wilson, his colleague, as Commissioner, were charged in an article in the News and Observer, written by Mr. Arendell or Mr. Merritt (I do not recall which) as being engaged in running a hotel at Round Knob, in McDowell county, Wilson as landlord and S. Otho Wilson as tenant, the possibility of Otho's paying the rent being dependent upon the receipts of the hotel, and these receipts being dependent upon the favor of the railroads in making it a stopping place for their trains. These charges made in the public press compelled Governor Russell to institute an investigation. The Commissioners were summoned and faced with the witnesses against them and they were adjudged subject to removal by Governor Russell. Judge Clark could have known nothing of the facts of this case, the transaction having taken place in McDowell, and it never went before the Supreme Court, nor did the matter therein involved (the conduct of the two Wilsons) get before that court. It could not because the act creating the Commission stated on its face that the action of the Governor in removing a Commissioner was reviewable by the Legislature, and not by the court. It subsequently reviewed by the Legislature, and notwithstanding all the appeals made by Wilson's lawyers to the party prejudice against Governor Russell, and for sympathy on account of Wilson's years, the Democratic Legislature virtually ratified Governor Russell's action, for it refused to re-elect James W. Wilson Commissioner, though it gave him back salary for the time during which he had been suspended, and this by close vote. The salary was secured by the active assistance of A. B. Andrews and his attorneys, and partly on a plea that there might be a fund to pay Wilson's lawyers. The case before the Supreme Court was an entirely different matter. It was brought by the new Commissioners against James W. Wilson and S. Otho Wilson and presented an ENTIRELY DIFFERENT QUESTION—the dry proposition of law, whether the General Assembly had power to pass the act.

The court held that the Legislature had the power, Judge Douglas writing the opinion, all but Judge Faircloth concurring, and the United States Supreme Court affirmed the judgment of the North Carolina Supreme Court, and the strong presumption is that the case was decided rightly. No wrong certainly can be imputed to Judge Clark because he agreed in the decision, even if it were true that he advised the Governor as to the other matter in the case tried on the issue of fact, as to the conduct of the two Wilsons. With the inaccuracy that pervades the whole pamphlet Mr. Wilson is made to state that Judge Clark wrote the opinion. An examination of it will show that the court did not pass upon the conduct of the Wilsons, and whether such conduct justified their removal, which was the only matter tried by Governor Russell.

But they say Judge Clark wrote Russell a letter and this is charged against him as a high misdemeanor, at the instance of an element in the Democratic party, which in the last two elections has been voting for a Republican for President of the United States. The "voluminous correspondence between Clark and Russell," about which railroad "law agents" have been whispering for months, has now dwindled down to one note in pencil signed "W C," if reports coming from railroad circles are to be believed. And the numerous papers in the Wilson case alleged to have been fixed up by Judge Clark have shrunk to one paper said to be a brief or a legal form which Governor Russell submitted to Judge Clark and in which the latter made some interlineations.

I called on Judge Clark before concluding this letter and in reply to my inquiry he said that while he had been often consulted by Governor Russell's predecessors and some few times by him as to legal and other matters affecting the public interests (as had other judges) he did not recall at any time ever having written Governor Russell a line, but though this was five years ago he knew well he had written nothing to Russell or any one else that could

cause any friend of his to blush for shame, that he had located the possession of this alleged note in the possession of the chief attorney of the Southern Railroad in the city, and handed me the following correspondence, with permission to use it :

Raleigh, N. C., April 27, 1902.

Hon. F. H. Busbee.

My dear Sir : A friend informs me you have in your possession and showed him what purports to be a letter from me to Governor Russell, which is referred to in the article which lately appeared over the signature of Maj. James W. Wilson.

I have no recollection of having written such letter to Governor Russell, and as the article does not give its language I am ignorant of its contents. Will you kindly favor me with a copy thereof, and if not asking too much permit the bearer, Hon. W. M. Russ, to see the original.

Tru'y yours,

WALTER CLARK.

To which Mr. Busbee replied :

April 27 1902.

Hon. Walter Clark, City.

My Dear Sir : The letter concerning which you write was mailed to Governor Russell several days ago.

Very truly yours,

F. H. BUSBEE.

The expression "several days ago" is very indefinite and may mean two days or more. As Mr. Busbee doubtless kept a copy of the letter, it would have been but fair to Judge Clark not to have ignored his request for a copy, which was the principal object of his letter, and which, if Mr. Busbee had furnished it, would have been printed in full in this article (or at least to have stated that he did not have a copy) and not have confined himself to giving reasons why Mayor Russ could not see the alleged original.

With the unfairness which attends this whole pamphlet we are thus left without any knowledge of the nature and exact contents of the letter, though the paper has been in this city. It is impossible to say whether it is genuine,

whether a note, reported to be in pencil, has not been changed as can so readily be done (though no charge of this kind is made as to Mr. Busbee.) So much depends upon the exact wording of a paper of this kind that I may do Judge Clark an injustice if I take the letter as genuine or assume that its purport is given correctly in the Wilson article (which is very improbable), but on their own ground it cannot be seen that the judge has done anything beyond a hasty and ill-advised act. I may add here that before leaving Judge Clark he added that while he did not propose to be drawn into any news paper controversy I could say for him, in any article I might write, that he demanded the publication of this letter that the people of North Carolina might know what it is; that there was no official act of his of which he did not invite the closest scrutiny, and that furthermore he desired in common justice and fair play that the original of this alleged letter should be placed where it can be seen and examined.

But suppose Judge Clark did write the letter to Russell, and that a confidential letter written by him to the Chief executive of the State is divulged by that individual in breach of all honorable sentiments obtaining among gentlemen and these men who were so intimate with Russell as to obtain and avail themselves of such a breach of confidence have neither changed the tenor of the paper, and have reported it correctly in the so-called Wilson pamphlet, which is by no means certain, what of that? Suppose, to put it on their own showing, Judge Clark had advised Russell in the proceedings against Otho and James Wilson and had corrected a legal paper (which Russell it is said, did not use), it was in a case and as to a matter which could not come before the court. A man who has formed and expressed an opinion on the facts is competent as a juror in that same case if he feels that he can give an impartial verdict. But Judge Clark, if indeed he expressed any opinion, did not sit on that question, but in a different case in which it is true merely that the two Wilsons were

plaintiffs. If, in such condition, Judge Clark conceived that that legal paper which he had corrected for Russell could be used by some designing person (as it is now actually sought to be done) and wrote a note to Governor Russell to destroy it, where is the crime? It shows great folly in Judge Clark in writing such a note to a man of Russell's character, who might allow it to be misrepresented and misused, but that is the full extent of the sin, and no more. Those who have been guilty of no folly or imprudence in the course of a lifetime can throw a stone at him, but it does not lie in the mouth of the man who is understood to have penned a part of the pamphlet at least, and who sought and held office by Russell's appointment, to belittle Judge Clark for having written a letter whose favor and office that writer sought.

Having been for many years Chief Clerk to several successive Secretaries of State. I happen to know that every Governor from the time Judge Clark went on the Superior Court bench until Governor Russell came in, availed themselves freely of Judge Clark's legal knowledge and sound judgment by consulting him in matters concerning the State. If it should be true that Governor Russell did the same it was but what his predecessors had done.

When the two Wilsons were removed, it was said that Governor Russell would appoint a Populist and a Democrat to succeed them. He did appoint Hon. John H. Pearson, of Burke, as a Democrat, and L. C. Caldwell as the Populist. The former was appointed upon the recommendation of leading Democrats from Burke and in other parts of the State. I do not know whether Judge Clark concurred in his recommendations, but if he did there was no impropriety in it.

I noticed that Dr. Thompson denies in an interview in The Argus that Judge Clark asked him to recommend him to Governor Russell for Chief Justice, as stated in the Wilson pamphlet, and says that he did not even go to Judge Faircloth's funeral, where it is charged that the crime was

committed. It is said, though I have not seen the statement, that he has since located this conversation at a different time and place, but I cannot follow Cy Thompson in his twistings and turnings as to alleged confidential conversations which he says he had with any one. The fact that he says he violated confidence to repeat such conversation, and that he has already told two tales about it, is enough. This once shining Populist light now holds down a Republican clerkship in the revenue office, and like Saul is found among the profits. Why is he so anxious to keep the Democrats from nominating Judge Clark? What is their choice of any available candidate to him. Is he coming over to us if we nominate a candidate to suit him? God forbid.

Major Wilson alludes to the salary which Judge Clark has received. North Carolina pays her Supreme Court Judges less than any other State in the American Union, save one State only. Even Delaware, Nevada, Florida, Wyoming and other small States pay more. Several of the smaller States pay the Supreme Court Judges double what we do ours. No one will deny that Judge Clark has been industrious and has rendered full value. But while the office has not been worth much to him it is evidently worth "big money" to some people who are trying to get him out, and have been trying for years. The Federal Judges below the United States Supreme Court are, with a few honorable exceptions, notoriously appointed and largely controlled by the great railroad corporations and trusts. The only obstacle in their way is an independent State Supreme Court. They are now trying to capture that. For years their attorneys and agents have been whispering slanderous insinuations to undermine and destroy the well-earned confidence which the people of North Carolina repose in Judge Clark: It is fortunate for him that they have now had the rashness to make their charges in the daylight. When made specifically in the Page pamphlet they were promptly met and answered by

his friends. In this Wilson pamphlet there was an adroit suppression of specific charges, and an invitation to him to come in and "purge himself" hoping thus to draw him into personal controversy in the newspapers.

From the day when a boy of 14 he put on the Confederate jacket of gray, down to the hour that now is, this man has trod the path of duty and of honor, with his face ever turned to the foes of his State and country, and ever upholding the rights of the public. He has been and is assailed by the vast power of the money of the great corporations, who demand that they shall not stand on an even footing in courts of justice with the humble suitors against them and who desire judges who shall construe the law favorably to their specific interests, as in the United States courts. Alone, unaided, a comparatively poor man, he has withstood all their slanders, their attempts to intimidate him, the reiterated assaults of their newspapers. They cannot bully him. They know they cannot buy him. If he goes down, what public man in North Carolina for long years to come will dare to stand for the rights of the people and even handed justice, when railroad lawyers and agents can say, as they will, "Remember, young man, the Southern Railroad 'downed' Judge Clark. Are you stronger than he was?" "The people do not stand by their friends. Come with us and have an easy time. The people are made to be plundered. None but fools think otherwise. Clark thought otherwise, but he knows better now."

This is the lesson which these industrious railroad agents will point out to aspiring young men of North Carolina if they can defeat Judge Clark at Greensboro. These great corporations have unlimited money and no scruples in using it. Men will be hauled to the county conventions and to the Greensboro convention, on free passes, on "attorney passes," on "donated tickets," for the purpose of defeating Judge Clark and choosing a Supreme Court that will do the will of the great corporations, even

as United States judges do it. There is "big money" in it—for the corporations. There is over one hundred millions of dollars of railroad property today in North Carolina untouched by the tax-gatherer, while all others are taxed to the throat-latch and the great corporations demand a court that will keep this so. The Confederate soldiers lack pensions, the Insane Asylum lack funds, the children lack education, and for this lack the number of voters will be lessened in future, but the corporations will save over a half million of dollars annually of taxes which they ought to pay. The great corporations have influence in the nominating conventions, the worn out veterans of a hundred battle fields have none, the insane have none, the poor have none, the children none. Have the people themselves no influence in their own conventions? We shall see at Greensboro.

It is on record that the Southern Railroad contributed a quarter of a million of dollars to the Republican campaign fund in 1898, and again in 1900. It is well known that the Page pamphlet was distributed in shoals all over the North Carolina and the same has been done with the Wilson Pamphlet. Does not every one know that James W. Wilson has not paid for this out of his own pocket? He is an overseer of Senator Don Cameron (Republican) of Pennsylvania for his Roanoke property. Does not every one know that the expense is being borne by those steady contributors to the Republican campaign funds—the Southern Railroad and the American Tobacco Company, and are not the latter's agents mailing a copy to every preacher in North Carolina? The Wilson pamphlets being addressed in the same handwriting as the Page pamphlets showing the identity of their origin. What do these corporations care for the integrity and propriety of conduct of judges. Was not one of the Southern Railroad "law agents" sentenced to jail by Judge Brown for trying to bribe a juror in Iredell and did not another almost break into jail for a similar offence in another county?

There are honorable lawyers who represent railroads, but they confine themselves to their legal duties. I have referred only to those who sell their political and personal influence and who lobby legislatures and judges and seek to control conventions and nominations in the interest of these great aggregations of wealth. The public know well the difference between the two classes.

Judge Clark has been an able and faithful public servant. No one has charged that he is incompetent, corruptible or lacking in devotion to the public welfare. It is exactly because he is able and incorruptible, and stands for the rights of the people, these repeated and slanderous attacks are made by the great corporations in their efforts to tear him down because he stands in the way of their free license to plunder. If they can remove such faithful guardians of the public welfare as he at their will, our condition will be worse and more unbearable than under the carpet-bag regime of unhallowed and damnable memory.

As an advocate of the right of the people to select their own public servants without the corporations' dictation or control, I submit these facts, which are known to all men, or the proof of which is available to all, to the candid, honest masses of my fellow citizens, who know that there is nothing which will effect them more closely, vitally and injuriously than the packing of our Supreme Court with men who can be swayed by corporate influence. That influence will be great if the new judges, who are yet untried, can be pointed to the fate of Judge Clark as an instance of the people's ingratitude and forgetfulness of their friends and of the power of the great corporations to destroy a Judge who withstands them. For one I do not believe that the people of North Carolina will forget Judge Clark nor abandon him to the tender mercies of the enemies he has made solely by standing up for their rights.

Respectfully,
W. P. BACHELOR.

[Morning Post, May 11, 1902.]

Justice Clark makes public the Russell Letters. They are Given in an Elaborate Letter Addressed to a Friend—He makes a Desperate Attempt to Excuse Himself by His Usual Appeal to Prejudice.

Raleigh, N. C., May 10, 1902.

Col. E. J. Holt, Smithfield, N. C.

My Friend and Comrade:—The endorsement of myself for Chief Justice by the Confederate veterans of Beaufort county and other camps has touched me deeply. No truer-hearted men ever kept step to the tap of drum than those North Carolinians sent to the front in 1861-'65. In all the vicissitudes of life I have found no stauncher friends than my old comrades.

To the recent vicious attacks upon me I have paid no attention, and even now I might be content like the patriot orator of Athens who, when assailed in a long tirade by Eschines, a hireling in pay of the enemies of the people, rose and asked the great audience if they believed the charges. Upon a prolonged shout in the negative, Demosthenes sternly said to the hireling: "You have heard their answer?" Like the great Athenian I could content myself with pointing to the resolutions of my gallant comrades in Washington, to the unanimous instructions of the convention of the good people of the historic county of Chatham, to the like unanimous resolutions this day in the convention in the gallant county of Warren, and I might well say to my detractors, "You have heard the answers of these representative bodies of the people of North Carolina, and when they have spoken you should be silent."

But the "law agents" and newspapers belonging to great railroad corporations, who aspire to control the government, and especially the judiciary of North Carolina, have rung the changes on a correspondence between myself and Governor Russell. While your confidence needs no assur-

ance, I would not that a single man should vote for my nomination to the high office for which they have named me, nor ratify that voice at the ballot-box, in ignorance of what that correspondence may be. For months it has been furtively shown behind doors and rumors industriously circulated as to its fearful nature. At the first moment I could get sight of it, and it was on yesterday, I procured verified copies and herewith submit every line of it to you and my comrades. If I have earned the confidence of the people it is because I have always had the fullest confidence in their intelligence and patriotism and have always been ready to submit my official conduct to their approval.

RECENT CORRESPONDENCE.

On Sunday last, May 4, I received the following letter from ex-Governor Daniel L. Russell. It was unsealed, without stamp or postmark, and had been brought by hand from Wilmington by eminent railroad attorneys, who had doubtless visited that city to procure, if indeed they did not dictate the letter :

Wilmington, N. C., May 2, 1902.

Dear Sir :—Mr. W. P. Batchelor, professing to be authorized to speak for you, in a newspaper article, makes demand upon me for the publication of any letters or papers that I may have in my possession written by you to me. I have never authorized the publication of these papers. I did show them privately and confidentially to one of the counsel for the impeached judges. I did this because these judges were my friends, one of them was my appointee, and both of them were as I believed, cruelly prosecuted by a proceeding which, as I believed, was instigated by you and in which you were regarded as substantially the prosecutor and in which you were expected to be a star witness against them. I felt that to defend these gentlemen was about the same thing as defending myself. If the exposure of these papers was to contribute to the defense of the judges I felt that it might be justified on the ground of self-defense,

even if it were to be conceded that I was otherwise on general principles in honor bound to keep them secret. They related to matters that were entirely political and official, but as some of them were marked "private" I was and have been unwilling to make them public.

It is easy, perhaps natural, for you to say that I have already made them public, because the letter of Mr. Wilson professes to give their substance, and that this shows that he must have seen the papers. Whatever information Mr. Wilson may have received about them was not authorized by me. I never heard of his purpose to attack you and knew literally nothing about it until I saw his publication.

It is not clear that communications to a public officer regarding his public action impose an obligation on him to keep them secret because they are marked secret or because their text or the attacks made upon me show that the writer desired them to be concealed. But I have chosen to refuse to make them public and at this writing do not intend to do so without your consent.

I write this to inquire if you desire these papers to be published or to be delivered to responsible persons for inspection.

Yours truly,

D. L. RUSSELL.

To this I replied :

Raleigh, N. C., May 5, 1902.

Hon. D. L. Russell.

Dear Sir :—Yours of date 2d of May, brought by hands of Mr. F. H. Busbee and Capt. W. H. Day, was handed me last evening by Capt. W. H. Day in person, with request that I deliver my reply to his stenographer if he were out of town.

When as Chief Executive you were endeavoring to enforce the law against the great railroad corporations, who were openly violating it, you sought me and asked my judgment and advice. Believing that all violations of the law should be repressed, no matter how powerful were those committing those violations, I thought it my duty to

give you whatever proper aid I could. If in so doing I made any communications that were official, they should still be in the Executive files. If they were personal and confidential, received and accepted by you as such, why are they now in the possession of the attorneys of the corporations whom you were then proceeding against for violating the laws of the State?

Without admitting your mistaken allegations of fact and your process of reasoning by which you seek to justify your delivery of whatever I may have written you in personal confidence, to the counsel of the impeached judges, still if the propriety of that act were conceded, it does not account for the fact that more than twelve months after the acquittal of the judges, the originals should be delivered to the attorneys of the corporations who are seeking to avenge on me your attempted execution of the law against them, and that it is part of a violent attack upon me by a man whom you removed from office because in the execution of your sworn duty you adjudged you were compelled to do so.

As you offer to send the letters to some responsible friend of yours at this point for inspection, I will be glad if that can be done, with leave for me to take copies. May I ask that this be done as promptly as may be consistent with your convenience.

Yours truly,

WALTER CLARK.

Capt. Day being out of town and not knowing how far the clerk of this attorney of the Seaboard Railroad Company was authorized to represent ex-Governor Russell, the above letter was sent him direct by United States mail.

By mail, and not as before, by the medium of the attorneys of the two great railroad systems I received the following reply :

Wilmington, N. C., May 5, 1902.

Hon. Walter Clark, Raleigh, N. C.

Dear Sir :—Yours of May 5th received. Also your allegation about my asking your judgment and advice, I

merely note it to say that it is not admitted in manner and form as stated.

I have this moment written a letter to Hon. F. H. Busbee a copy of which is here inclosed.

Yours, etc.

D. L. RUSSELL.

The following is the copy of his letter to Mr. Busbee, which he enclosed me :

Wilmington, N. C. May 6, 1902.

Hon. F. H. Busbee, Raleigh, N. C.

Dear Sir :—I have sent you the papers written by Judge Clark. These papers, as you know, were committed to you in the confidence that they would be kept private and secret and not used unless it became, in the opinion of the counsel, absolutely essential for the defense of the impeached judges. Judge Clark has requested me to deliver them to some friend of mine for the inspection of himself or of his friends. I desire you to comply with this request.

Of course you can furnish copies to Judge Clark, or to any one authorized to receive them.

It must be distinctly understood that no one of these papers is to be given out for publication by you, nor are they or any of them to be shown to any one except Judge Clark or to his authorized agents. If they are published the publication must be made by Judge Clark.

Please understand that this letter is not for publication and that it also is now written to you in confidence that you will not reveal its contents. Yours truly,

D. L. RUSSELL.

In this letter Governor Russell reiterates the statement made in his first letter above, that my letters to him had never gone out of his hands, except to counsel in the impeachment trial, to be used in defense of the judges, if deemed necessary (which was not done), and he says to Mr. Busbee: "the letters were committed to you in the confidence that they would be kept private and secret and not used unless it became, in the opinion of counsel, ab-

solutely essential for the defense of the impeached judges." If that statement is correct, information which Mr. Busbee acquired in the confidential relation of attorney and client has since been made public without the consent of his client and in violation of the professional confidence reposed in him. Whether this has been done to gratify personal malice or because it would be profitable to him to gratify the Southern Railroad by striking at a judge whose decisions that road could not control, I am not informed. Certain it is, that twelve months after the acquittal of the judges it was not necessary in their defense to show them to lawyers visiting the capital, and to print in railroad organs insinuations and misrepresentations as to the purport of the letters. Whether this had been done by Mr. Busbee directly, or by parties who got their information from him, in either event, the responsibility is on him, if the statement in the letter to him from his friend, Governor Russell, is correct, and that matter they must settle between them.

THE RUSSELL-CLARK CORRESPONDENCE.

On receiving the last named letter, my friend, the Hon. Mr. Lacy, called on Mr. Busbee who gave him copies of the correspondence, but could not give an inspection of the originals as the attorney of the railroad system, Capt. W. H. Day, had carried them off in his pocket. On his return yesterday, the originals were inspected and compared with the copies and the following certificates to the following correspondence given:

"This contains all the letters I have ever had or seen written by Clark to Russell. W. H. DAY."

"At your request (Lacy's) I glance over the letters which Mr. Day delivers and they are all the letters and papers of which I have ever seen or of which I have any knowledge. F. H. BUSBEE."

Having thus the certificate of both these great railway systems, through their eminent and distinguished counsel,

the letters will now be printed. They consist of six letters, notes or memoranda, besides two which are wholly typewritten, unsigned, undated, and with nothing in any way to connect me with them, and which I do not remember to have seen before, and a draft form in typewriter of Governor Russell's original draft of his summons, or notice to show cause, to the Wilson's with some half dozen verbal or grammatical changes made therein by me. This summons was not used, a different one having been in fact issued to them by Governor Russell. It is hardly credible, but it is true, that these half dozen verbal changes in an unused summons, is the sole basis for the charge that I prepared the papers for the Wilson trial before Governor Russell.

LETTER No. 1.

My Dear Governor.

I enclose Ed. stating on Mr. Page's authority that his road cost \$350,000 and has been "a good paying road from the beginning."

On p. 9 R. R. Com. Report, 1896, you will see that this road costing \$350,000 and paying well is rated for taxation at \$113,000 only. On p. 323 of same you will find that the "general officers" are Page and his three sons, but they attend to saw mill and etc., so that in fact Henry Page is practically sole officer. On next page (324) the debt is put at 50,000. On page 326 gross earnings \$51,059 which is nearly 50 per cent. on tax valuation. This is reduced you will see on p. 327 by charging up new cars, buildings, etc., to operating expenses and "salaries general officers \$8.500" (p. 328). on a 40-mile road and an unexplained addl. item "general expenses" \$8,837. On page 329 you will see that cost of "general officers" (the family) is one third total salaries. You will see on same page low rates paid his men, i. e., engineers \$2.50, etc.

In News and Ob. July 13 you will see H. A. Page's speech that his tax value was high enough and in two

other numbers are letters of his attacking you and me for meddling with tax valuation and rates.

These Nos. are in St. Library, but I can give you — to dates, if you wish to re-read them.

I enclose you letter showing J. H. Pearson is willing. I also am in receipt of letters from leading Democrats endorsing the suspension of two Railroad Commissioners. Return me Pearson's letter.

Yours,

W. C.

Governor Russell had then recently in some proceedings before Railroad Commissioners complained that the railroads were not paying their fare share of taxes, thus throwing the burdens of a heavier taxation on other tax-payers.

Mr. Page had replied in newspaper articles assailing the Governor's position and lungging me in because of my views on the same subject as stated probably in some magazine article or speech. The above is an undated memorandum to Governor Russell, referring to the joint attack on us, and giving data from Mr. Page's own returns in the Railroad Commission report.

The point that struck Page, and still strikes him yet, is that his railroad property was grossly undervalued for taxation and that he was paying his employes much less than other railroads. Hence his recent pamphlet. Had he saved the money he has spent on them and what he invested in the McKinley campaign fund and put the same into reasonable wages for his employees and the purchase of proper appliances for his trains he would not now be so pressed to pick out judges, who shall relieve him from paying damages when passengers or employees may be killed or injured by negligence in operating his road.

The reference to Pearson's letter is, to a letter (which I still have) from Col. W. S. Pearson, a lawyer whom I well knew (and who was a candidate for Auditor before the Democratic convention, and a Bryan and Stephenson elector from the Eighth district in 1900) saying if a Demo-

crat was appointed he would like for his brother, John H. Pearson to be named. I knew John H. Pearson very slightly and as he states in his recent card, I am sure I had no correspondence with him before his appointment. On the above slight reference, the whole allegation that I had him appointed is based, though it would have been a credit to me if I had, for he made a most excellent commissioner. We have had none better.

LETTER NO. 2.

"Whatever thou dost, do quickly"—ere they have wit enough to (nominally) lease out to another.

"You have them on the run, keep them agoing."

This is typewritten, unsigned, undated and with nothing to indicate that Judge Clark ever had anything to do with it.

B. R. LACY.

May 9th, 1902.

The above, as Mr. Lacy certifies, is typewritten, unsigned, undated, and has nothing to indicate that I had anything to do with it. I do not recollect ever having seen it before. The quotation: "Whatever thou dost, do quickly," I have read before. It is from the scripture (John 12 ch. 27 v.) and was originally spoken to Judas Iscariot. I recall no reason why I should have applied such words to Governor Russell at that time.

LETTER NO. 3.

This is a little longer, but, as Mr. Lacy certifies, it is also typewritten, unsigned, undated, and with nothing to connect me with it, and I do not recall ever having seen it and it is unnecessary to take space to print it.

LETTER NO. 4.

My Dear Governor: There are spies watching your house and mine—this is R. R. rule.

If the matter is important enough to justify it I will come around about 9:30 o'clock. But if you can con-

veniently write the subject matter send me a note by bearer. I will not hesitate to come, if subject is important enough, in your opinion.

. Yours truly,

W. C.

This note is undated and nothing indicates to what it refers. That my house was watched by spies is unfortunately true, as the public may remember, and visitors who come on social occasions, more than once were surprised to find the fact telegraphed to railroad newspaper. Indeed on one occasion at least the messenger carrying my mail to the postoffice had the letters taken out of his hand by a railroad "law agent," and the names of the parties to whom it was addressed given to a newspaper correspondent and telegraphed to the Charlotte Observer and published as news by that reputable sheet. Under such espionage is any judge liable in Raleigh, whose independence makes him obnoxious to the great corporations, which seek to control the great government of this State.

LETTER NO. 5.

(Personal.)

My Dear Governor: You will probably not be at your office until court meets so I drop you this note.

Would not Aycock be the best man—and if for any reason he is not available—I respectfully suggest Judge Connor.

The grand jury before they adjourn surely ought to investigate Messler's case, or the one-half rate from here to Round Knob, or Simonton's coming to court in a palace car free. Each is a \$5,000 offence and notorious. If it was a little chicken larceny it would be hunted up and somebody sent to the penitentiary.

Yours,

W. C.

This recommended Mr. Aycock (now Governor) or Judge Connor as a good lawyer to see to the execution of the law against free passes and discrimination in freight rates, both of which are forbidden under heavy penalties,

by the statute. I had doubtless been asked to suggest a good Democrat lawyer, and I certainly named two, whose democracy and legal ability reflected credit on my judgment.

LETTER NO. 6.

My Dear Governor: See last quarter of page 158, in 115 N. C., and references there cited, i. e. "Lawson on Contracts," and Mechem on offices, 360 and cases here cited. You can get these books at the Court Library.

Yours truly,

WALTER CLARK.

The above is simply an answer to an enquiry as to some law point by referring the Governor of the State to book and page, where he could find it. Those who will turn to the citation will find it to be good morals and good law.

LETTER NO. 7.

Permit a suggestion—Acts 1891, Ch. 320, sec. 4, clearly and unmistakably makes any discrimination "an offense" punishable "by fine not less than \$1,000 nor more than \$5,000." Send W. C. Douglas today to Solicitor Pou, inform him of what he heard of Page, and have bill V. R. R. sent for hauling freight one-half price. Summon Page and freight agent here with his books, and the party whose goods were hauled free (or one-half price). He cannot refuse to testify, as he is not indictable, only the common carrier.

In this way, you can get the evidence you want. Again last year Simonton came here to hold court—not only on a free pass, but in a private palace car free. He is not indictable, but the railroad can be made to swell our school fund \$5,000 for "having had the honor," &c., to give him free cars, free passes, free food, &c., and the National and State publicity given the transaction will open the eyes of the "plain common people" very effectively, both in North Carolina and throughout the Union.

A very little trouble will get bill as to both above transactions and it is worth it. Destroy after reading.

Unsigned and undated.

May 9, 1902.

B. R. LACY.

This was the advice of a law officer, a judge, to the Chief Executive as to the execution of the laws, which were being openly and notoriously violated by powerful and wealthy criminals. The people of North Carolina speaking through their legislature had decreed the giving of free passes to officials so immoral, and so directly tending to bribery, that it was made a crime punishable with a fine of not more than \$5,000. It was and still is on the statute book. It was the duty of any citizen, especially a judge to call attention to so flaunting and open a violation of the laws of the State. The advice was not acted upon, and no such case came before the court. But if a grand jury and a petty jury had found the facts I should not have been disqualified to set on the case any more than a judge who directs a grand jury to investigate any other open and notorious violation of the law.

LETTER NO. 8.

(Destroy this. Private.)

My Dear Governor: All that hullabaloo about "Impeachment" comes from J. W. Wilson. I saw Fred Merritt in there yesterday, and he was taking it down. I have letters from different points and find public sentiment elsewhere as well as here is with you.

As you prophesied, knowing the facts are against them, they deny your jurisdiction, relying on the supplementary act of 1891, p. 565, making them a Court of Record. They are a long time finding out they are judges, as Mason, Beddingfield, Otho Wilson, all canvassed regularly. But there is nothing in the point any way. The act creating them provided how their terms could be ended. Besides, you are only given power to suspend, the power of removal is vested in the Legislature.

They have been trying to charge I had part in drafting the notices so as to affect my sitting. I did not see the notices till issued, and did not know they would be issued. There were some typewritten points, however, interlined or corrected in my hands. Please get that paper and destroy it.

Destroy this. Send me any note you wish by bearer.

Yours,

W. C.

This is the last letter and the one upon which the various advocates of government by railroad set the most store.

It has been charged in the press that Col. A. B. Andrews owning one-fourth interest in a hotel at Round Knob, and J. W. Wilson, Railroad Commissioner, owning the other three-fourths interest, had rented it to S. Otho Wilson, another Railroad Commissioner, that Otho refused to rent it unless it was agreed by the railroads that Round Knob should be made the eating house and stopping place for the trains (and he could not pay rent unless this was done); that in open defiance of the law these commissioners were sworn to administer the supplies both by freight and express were carried free; Otho's family were also carried free in defiance of the law against free passes, and his furniture was carried at one-half rates and that one-half not paid. With such a scandal before him Governor Russell was forced to issue a notice to the two commissioners to appear before him to show cause why they should not be suspended until the Legislature met. They appeared. The witnesses proved substantially the above facts. He suspended them. Upon the force of the statute his action could not be reviewed by the Supreme Court, but by the Legislature alone. The Wilsons were tried by the Legislature, and notwithstanding the Legislature was Democratic, Governor Russell's action was sustained, for J. W. Wilson, whose term expired, was not re-elected, and Otho resigned. The Legislature generously allowed them pay for the time they had been suspended, otherwise the lawyers who defended them would have gone unpaid.

From above it will be seen that Governor Russell submitted to me a typewritten copy of his notice to show cause, or summons, to the Wilsons to appear. I made in it as appeared by the document which I saw on yesterday some half dozen corrections, mostly of grammatical or verbal errors. It was sent to me because the proceeding for removal of an official by the Governor was new in this State, and this was the first statute authorizing it, whereas it is very common in some of the other States, and I was thought to be familiar with the practice in such cases.

Issuing the notice to show cause, or summons, did not incapacitate Governor Russell to set on or try the case. It was not a prejudgment of the facts by him, and if the case could have been carried by appeal to the Supreme Court it is clear that the fact that I had corrected the summons would not have debarred a second hand from sitting on the case, when it did not debar the officer who issued it. Indeed every one knows a justice of the peace who issues a warrant or a judge who issues a bench warrant is in nowise incapacitated to try the case.

Here in fact I only made verbal corrections in the summons; that summons was never used and the record shows that Governor Russell issued an entirely different paper (probably on fuller information), and our court never had cognizance of the investigation which was begun by that summons or notice to show cause. The case which came before the court was AN ENTIRELY DIFFERENT MATTER. It was begun not before Governor Russell, but before the Superior Court. It was not an action involving the correctness of Governor Russell's decision (which only the Legislature had power to enquire into), but was a quo warranto by the new commissioners to which the two Wilsons answered, denying the constitutionality of the act, i. e., the power of the General Assembly to pass the act. The court in an opinion written by Judge Douglas and concurred in by four judges held that the Legislature possessed that power, and the

Supreme Court of the United States approved the judgment of the Supreme Court of North Carolina.

Learning afterwards that the Wilsons would probably contest any action to turn them out if one should be brought and that my verbal correction of the summons (which was never used) and which had been made by me in the Supreme Court room openly, in presence of Mr. Burton, who was their counsel, had been criticised by J. W. Wilson, rather than be subjected to misrepresentation by Wilson and the Southern Railroad, who I knew would gather up anything that could be used to misrepresent me, I wrote Governor Russell to destroy that unused paper which I had corrected. Had he used the paper of process of course he could not do so. My overcaution to prevent unjust misrepresentation has brought upon me the worse misrepresentation to which I have now been subjected by the same railroad crowd.

The ninth and last piece is the above referred to "notice to show cause," or summons which Governor Russell intended to issue to the Wilsons, but instead of which he issued another one differently expressed.

The public will hardly believe that the above is the whole of the "Clark-Russell correspondence, about which there has been so much noise, but so it is, according to the above certificates of F. H. Busbee and W. H. Day.

I have been thus lengthy because the only resource of the other side has been to confuse the public by vociferous charges, and my aim has been to make the matter as plain and explicit as possible. When the letters are understood fully and the attendant circumstances the public will be amused at the efforts of the corporation lawyers to humbug them.

The whole effort on the part of the political management of the railroad corporations has been to create an impression that there was political affinity or intrigue between Governor Russell and myself. The above correspondence shows plainly that there was nothing of the kind.

To understand the reason of the correspondence and its purport an intelligent public has only to recall the conditions as they existed at that time, now nearly five years ago. Governor Russell came into office with a load of unpopularity which had been laboriously accumulated by him. He came in by the votes of 120,000 negroes and a few thousand white allies. The great mass of the white men of the State bitterly resented this reversal of the proper order of things which demand Anglo-Saxon supremacy. Governor Russell seemed to think that now was his chance to redeem himself by his office. The Southern Railroad thought, as a matter of course, being a Republican administration, that they were to be in control. Its officials gave him a grand reception. Russell surprised them next day by declaring independence. He found the Southern Railroad effecting a ninety-nine year lease of the State's best property, six years before the expiration of the previous lease. He used his power as Governor to veto it and called in the Legislature to his aid. He found that the statute which forbade the issuing of free passes under a penalty of \$5,000 in each case was openly and notoriously violated, and that influence bought by these "pastboard favors" was the most powerful weapon in the hands of the corporations; he found that railroad fares and freights in this State were (and they still are) sixty per cent. higher than the average in the Union and that the taxes paid by the railroads were over half a million dollars less, in proportion to mileage, than in Tennessee and were the lowest in the Union. He found that two of the Railroad Commissioners (which had been created to reduce rates and fares to a fair basis, and to see that they paid fair taxation) were partners with the railroad in running a railroad eating house.

He thought he ought to remedy this and may have thought he would remove some of the odium against himself by doing so. But he was the last man who should have undertaken it. Instantly every railroad paper, every

railroad "law agent," every influence the corporation could appeal to was set in motion to call up the odium he had acquired in the past and to make it a party fight against him. He struggled, and struggled, but he had too much load to carry. For some reason, he finally absolutely and unconditionally surrendered and for the rest of his administration he merely drew the salary. The Southern Railroad had made itself Governor and was in the saddle.

When he first sought to enforce the law against the powerful criminals who defiantly and openly issued free passes when he sought to secure more reasonable passenger rates, when he sought to make the railroads pay a fairer share of taxation he desired information from me and I gave it. When he decided to call upon the two Railroad Commissioners, who were running an eating house in partnership with the railroads by submitting the form of summons, as notice to show cause why they should not be removed to me, and I made some slight changes in it, though he did not use that form, as it turned out. Knowing that the Southern Railroad would get hold of it and use and misrepresent any paper from me, I asked him to destroy that paper. The correspondence above shows this and it shows nothing more.

When the Southern Railroad received Governor Russell's submission, they seem to have gone "through his pockets" and got all he had that they could misrepresent and use it against me. It is all printed above. Having destroyed Russell by the aid of the odium against him, they then sought to destroy me by printing and insinuating that I was his ally, his friend, his intimate. The correspondence shows I was simply acting as a sworn officer of the law, giving to him, as I did to his predecessors, any data or information that would aid in the impartial execution of the laws.

By reason of the high freights and fares in this State, one railroad in North Carolina issued to its stockholders \$1,400 for every \$40 it paid the State for the stock (or 30

for one), and some of those shares are now worth \$250. Another issued mortgage bonds and stocks \$76,000 per mile on property they got for \$4,000 or \$5,000 per mile and have taxed the public freights and fares to pay interest on \$76,000 per mile. No Chemical Bank in New York, no Virginia Lode, South African Diamond Fields, or Golconda mine pays like the ownership of railroads in North Carolina. Even Page has a bonanza, earning 50 per cent. a year on the sworn tax valuation of his little railroad as shown in his report to the Railroad Commission quoted in my note to Governor Russell above, and which angered him so. The real owners of these great railroads live mostly in London, New York, manage their "properties" through overseer called presidents, etc. To keep up these high rates and the exemption of two thirds of the value of their property, they have established and run newspapers to attack and besmirch or intimidate any man who may inform the people how they are kept in poverty by exhorbitant rates and the exemption of the railroad property from taxation.

Their proscriptive spirit is shown, but recently when a newspaper organ removed from its head an able aimable and patriotic North Carolinian, Dr. Theodore B. Kingsbury, simply because he asked that it might be stated in regard to a vile and false attack upon me in its editorial column, that it had not been written by him.

I have necessarily taken more space than I had intended. But I am a North Carolinian talking to North Carolinians about a matter which concerns them nearly, and their posterity, too, for all time. My people have been North Carolinians from the early colonial times. I have been born here and expect to die here. My highest aspirations have been for the good of the people of my native State. I wish to see every boy and girl given a better chance in life. I wish to see the corporations treated fairly and justly, but to pay a fair share of taxation and to charge the public

reasonable rates in return for the franchises the public has given them without charge.

I have made mistakes. I have committed errors, but God knows I have never done a dishonorable act. The charge that I have done so, made by corporation agents, has surprised the public only less than it has myself.

The masses are shrewd observers and are generally accurate in penetrating the true character and motives of their public servants. In conclusion I will give out of the many letters I have received, the following from a mountain-
 eer who lives among the coves in Yancey. He may be illiterate, but he has hard mountain common sense. He writes:

"Judge Clark; I have heern tell of you but never seen you. Mr. Wilson sent me one of his pamphlets about you and I red it. If all he and them other railrode fellers ses about you was so, I ses the railroades would have had you fur ther man long ago, sure pop, so I ses its all a string of lies.

"Yours till death."

My fate is in the hands of the people. I have served them faithfully in peace and in war to the best of my humble ability. Should they decide to retain me in their service or not is for them to decide. Whatever their decision I shall bow to the will of the sovereign people. This is their government and I wish that they and they alone shall determine public policy and the selection of their public servants. I have said this much in the defence of my personal and official integrity and henceforth shall leave the matter to those who must make the decision—the people of North Carolina.

And now, my comrade, in the language of my Yancey county friend, believe me, most truly,

"Yours till death,"

WALTER CLARK.

*Mr. Page answers the Judge—He tells of their differences.
(From the Charlotte Observer, May 15, 1902.)*

Major Josephus Daniels, Raleigh, N. C.

My dear old Friend and Playmate: It is true you refused to lend me your "speaking trumpet" a little while ago, and afterwards allowed Judge Clark to use it on me both directly and indirectly, in person and by proxy; and perhaps I ought to be mad at you, but I am not, and I address you affectionately to prove to you that "with all your faults I love you still." To forestall objection on your part to the accuracy of my salutation, I hasten to admit that you and I were not playmates in point of locality; that is, our backyards were too far apart to permit frequent exchange of visits. But it is in point of time that we must have been playmates. At the very same time (just think of it), that you were chasing sand fiddlers on the historic banks of the Tar, I was skinning my shins and tearing my trousers in the black haw bushes of Wake. Surely then you will allow both the warmth and accuracy of my greeting justified! I hope so, for you see, I just must have somebody to address this letter to. This is the new style, you know, and even if I cou'd afford to be out of style, there are certain very clear advantages to be gained by addressing letters of this sort to individuals. Besides, I have heard card-players say one must either "follow suit or trump," and I am out of trumps. So please bear with me, will you?

Once upon a time was I obliged to testify on the witness stand that a certain man's character was bad. A little later I had a letter from him about as follows: "Dear Sir: I am very much surprised at your testimony in my case. I am a Democrat; you are a Democrat; I am a Methodist, you are a Methodist. How then could you say that my character was bad? Yours truly,

_____."

The presumption is that there can be no such thing as a bad Democrat, and that there should be no difference of

opinion on that point among Methodists. I was reminded of this instance when I read the many harsh things Judge Clark had to say of me in his letter to his dear friend, Col. E. J. Holt, published in last Sunday's papers. We seem to have a tolerab'y poor opinion of each other, notwithstanding the fact that he is a Democrat, I am a Democrat; he is Methodist, I am a Methodist. I think, however, that we would seem further apart in our party and Church relationship if the proper qualifying adjectives should be prefixed to our respective Democracy and Methodism. For instance he is a populist Democrat, while I am a gold bug (in the far distant past we should have said a McKinley) Democrat.. His Methodism is of the rabid anti Kilgo type; mine was more mildly anti Kilgo, as long as Judge Clark remained a trustee of Trinity. When he turned against Dr. Kilgo, that seemed to me the very best reason in the world why I should be for him, if I wanted to be right. When Judge Clark came over on my side of the fence my conscience admonished to me to "git funder." (Oh yes, I have got one, too, and a troublesome fellow he is at times) Its funny how many different sorts of men the term Methodist includes, isn't it? Starting way up at the top of the ladder with the fire-ried holiness brethren, on down through the list to the common old back-slider, the fellow who slid away back past the starting point—all Methodists. And Democracy has come to be almost as comprehensive. It reminds me of the lion, lamb, asp, cocatrice, sucking child story. The News and Observer, The Charlotte Observer, Judge Clark, Senator Ransom, all claiming Democracy as their ancestral home. Even I had been hoping that there might be a little piece of the old flag left to wrap around the fingers I got cut fooling with the "buzz-saw."

You know I was not much surprised that Judge Clark did not like my former letter, but when Major Wilson appeared it did seem to me that the Judges's view of my effort ought to have been modified. By contrast my re-

marks became tame and dull, and I very nearly forgot that I had said anything at all about him. Back in the early days on the Wake county farm one summer I had the task of cutting bands around the bundles of wheat as they were fed into the thresher. With a big butcher knife, slashing away at the tough wheat straw, I made a bad lunge just as the old negro feeder reached for a bundle, and split one of his fingers wide open. He stuck to his job, put some narrow strips of plaster across the gash, and kept on firing the bundles into the thresher. I felt mighty bad about it. As he reached out for each bundle that ugly gash came directly under my eyes, a constant reminder of my carelessness. The next day that damaged hand reached for a piece of iron which was sliding into the thresher, and the sharp teeth caught iron and hand at the same moment. When we got him out his hand to the wrist was hanging in shreds. It was a certain sort of relief to me to see that the ugly knife mark was gone. I am surprised to find that Judge Clark, in answering Wilson, remembers so distinctly the little cut I gave him. It must be true as the old proverb has it: "We come to hate those we have sought to injure."

I find among the Clark-Russell letters two referring to me, showing that at the time they were written Judge Clark was seeking to do me harm. I declare I knew nothing of all this when my former letter was written. I did not know that I could possibly make any personal complaint against him, and my purpose was to simply criticise Judge Clark's public record, as any citizen has the right to do. Had I known the contents of these two letters then I should have most certainly held my peace. If I know myself, I have no malice in my heart toward any man, and I cannot afford to enter into a discussion in which malice and hatred are to be the controlling forces. Now it seems to me that an explanation is due to my friends.

Note that letter No. 1 as published by Judge Clark refers to a speech I had made a short while before, in a hearing

before the railroad commissioners, in which I am quoted as attacking Judge Clark and Governor Russell. Thereupon the judge calls the attention of the Governor to the fact that they can get revenge by advancing the tax value of Page's road. His purpose in this was, of course, that the Governor should advise the commissioners (his appointees) to advance the value of the road for taxation. Very well, Page objects, objection overruled, appeal to the Superior Court, Commission sustained, appeal to the Supreme Court. Now see me and my attorney walking into Judge Clark's court, seeking even handed justice. We would have got it—in the neck. But this letter is very old, and since Governor Russell seems to have been less vindictive than his adviser, we will let it pass.

Note, however, that in trying to explain this letter Judge Clark writes to his friend, Col. Holt, under date of May 10, 1902, telling him that "the point that struck Page and still strikes him yet is that his railroad property was grossly undervalued for taxation, and that he was paying his employes much less than other railroads. Hence his recent pamphlet. Had he saved the money he has spent on them (the pamphlets) and what he invested in the McKinley campaign fund and put the same into reasonable wages for his employes and the purchase of proper appliances for his trains he would not now be so pressed to pick out judges who shall relieve him from paying damages when passengers or employes may be killed or injured by negligence in operating his road."

He can't forget the little cut. Those are the "points" that struck Page, mark you. Let us examine the points a little. I want "to pick out judges who shall relieve me of damages." I believe I mentioned the names of Judge Shepherd and Judge Connor in my former letter. Are these the gentlemen against whom Judge Clark brings this charge?

Second. My road was grossly undervalued. I do not think so; but I probably would not think so if it was, so I

beg to say that the railroad commissioners have always valued it, not I. Moreover I have never asked them to reduce their valuation, nor have I even once objected to their figures. They have seen the property and have said what they think it is worth. Judge Clark has never seen it, I believe, but he thinks it is grossly undervalued.

Third. I was and am paying employes less than other roads. They seem contented and happy, and I think they will say they receive as much for their labor as any other railroad employes in the State, for the same class of work.

Fourth. The road is not equipped properly, etc. We have had fewer accidents than any other road in the State with half our mileage; have the best unballasted track in the State, among the class of roads to which ours belongs. In a corporate existence of 13 years we have never had a passenger killed nor seriously injured; and but two employes killed. In all that time we have had but one personal injury case before Judge Clark's court. We have never had but one complaint of any kind, lodged against us with the railroad commission, and that one was for failure to furnish cars in time of a car famine. We have spent most of the money the road has earned in extending the line, and developing the resources of Moore, Montgomery and Randolph counties, and I am quite sure the citizens of these counties will readily testify that the management of "the Page road" has been neither slow nor niggardly in its co-operation with every movement tending to the betterment of this section.

Fifth. One word for Judge Clark's benefit, as to how my money has been spent. I, personally, paid the job office of The Charlotte Observer twenty-seven (\$27) dollars for printing the pamphlets Judge Clark does not like. The only money ever paid to any campaign fund by the Page road, or any of its owners, was during the white supremacy campaign of 1900 and those payments were as follows; \$100 to Mr. W. C. Hammer, Asheboro, N. C.; \$75 to Mr. U. L. Spence, Carthage, N. C.; and \$200 to

Mr. C. T. Luther, Troy, N. C. These contributions were solicited by the gentlemen named, to be used in helping to carry the three close counties of Moore, Montgomery and Randolph for Governor Aycock and the amendment. The high character of the gentlemen named is sufficient guarantee that the money was properly used.

It is true, as charged by Judge Clark that I voted for Mr. McKinley in 1896 and 1900. It was done openly and publicly; there was no secret about it, nothing to "destroy nor burn," and I am not seeking a confessional vet. Moreover, in 1896 I persuaded some thirty other Democrats to do likewise. I was surprised to find that the world did not burst through when I scratched the Democratic ticket. So, while I greatly prefer to vote the Democratic ticket entire and complete, I have fully determined that I will never again vote for any man on any ticket whom I believe to be unfit for the office, or whose moral character is not above reproach. That may rule me out of Democratic councils, but it cannot force me into any other party, nor can I be prevented from voting the Democratic ticket when I want to. Having spoken thus plainly, I want to say further that these are my own views and intentions, and that they do not apply to any other man. I do not want you, my dear Mr. Daniels to get me mixed up with my brothers—it is not fair to them. As you know, I have four: three of them associated with me in the management of our little road. I am proud to say that I should esteem it an honor to be mistaken for any one of them, but we think and act each man for himself, and we differ in political matters as in other things.

Now let me call your attention to the Clark-Russell letter No. 7. "Permit a suggestion. * * * Send W. C. Douglass to-day to Solicitor Pou, inform him of what he heard of Page, and have a bill vs. railroad sent for hauling freight at half price. Summon Page and freight agent here with his books, and the party whose goods were hauled free, (or one-half price). He cannot refuse to testify,

as he is not indictable, only the common carrier. * * *

A very little trouble will get the bill as to both above transactions and it is worth it. Destroy after reading." Mr. Lacy says of this letter, "unsigned and undated." He does not mention the fact that it is in Judge Clark's handwriting. I am inclined to the view that the last sentence, "Destroy after reading" should be held to be the full signature of Judge Walter Clark. This letter was certainly not written in response to the Governor's request for information, as he claims some of them were. "Permit a suggestion," he says. "Send W. C. Douglass." Mr. W. C. Douglass was the counsel of the Aberdeen & Asheboro Railroad and in such capacity he learned that I had moved some goods at half price. He afterwards became Governor Russell's counsel in the tax cases, and by some chance word this information reached Judge Clark through Governor Russell. "Send Page's counsel to Solicitor Pou, and on his testimony get bill against Page." That was "plowing my heifer" with a vengeance, don't you think? Now, my dear Mr. Daniel's, suppose Governor Russell had been as anxious for revenge as Judge Clark was; he orders Douglass to go. Then suppose Douglass had been as mean as the pair of them; he goes before the grand jury and the true bill comes up. Page goes there and defends the case; loses it in the Superior Court; appeals to Clark's court. Just imagine Clark winking to Page's counsel (ditto Clark's witness), when brother Douglass rises to make his argument. Funny? Sure. If they had only let me into that scheme I'd be willing to risk the result to get the fun.

But I must not forget to explain what my flagrant violation of "chapter 320, section 4, Acts of 1891," really was. A young man at Asheboro, superintendent of a mill, had typhoid fever, a long hard siege of it; and before he was half over it, his savings were gone. The good people of Asheboro came to his relief, furnished him and his family with food, nursed him, cared for him until he was ready to go to work again. In the meantime the mill had moved

to Troy, 35 miles away. Some of my friends in Asheboro informed me of the situation and I sent him a pass for himself and his family, and a free order for his household goods from Asheboro to Troy. Many gentlemen in Asheboro will remember the case, and I am sure the young man himself will be glad to testify to the accuracy of my statement of the case. For this then, Judge Clark would punish me! I would submit to the penalty before I would call it charity to escape.

So much for Judge Clark's references to me, personally. A few general observations and I am through. I have nothing whatever to do with the Southern Railway, nor the Seaboard Air Line, nor with any of their officers nor attorneys. I am speaking on my own authority, at the dictation of no man or set of men. When I ride on these roads I pay my fare just as Judge Clark does, (if, indeed, he does).

Judge Clark said—per Batchelor,—that he did not remember ever to have written one letter to Governor Russell; yet when eight letters (to omit the interlined paper), appear, how is it that he so quickly remembers even the minutest details that called for the letters and the circumstances under which they were written?

He says he did not communicate with J. H. Pearson about accepting the office of railroad commissioner. Did he say to Mr. Lacy, (the Saul who is now holding his clothes while he is rocking me) that while he was not authorized to offer him the place, yet he was quite sure he could have the place of chairman of the railroad commission if he (Lacy) would agree beforehand to reduce passenger fares to 2 and 2½ cents a mile. And did not Mr. Lacy tell him that he couldn't judge any case before he had heard it? Mr. Lacy told me all this. Ben Lacy would not have told a lie on his friend, nor will the Hon. B. R. Lacy, State Treasurer, now tell one to shield his friend.

After a firm agreement had been reached by the attor-

neys on both sides that there were to be only two cases for past offenses, to test the anti-pass law, (one against the Southern, the other against the Seaboard), did not he (Judge Clark) seek to induce Mr. Douglass to violate this agreement by hunting up many other cases. Mr. Douglass has said that he did.

Now my friend Daniels, much has been said about renegades seeking to dictate nominations to the Democratic party. I may be a renegade, (my party friends in my township and county have, up to this time refrained from so calling me) but I am not seeking to dictate nominations. It is my settled purpose, however, to see that the "regulars" have pretty full information about Judge Clark before they nominate him. My business interests are not involved, as I shall now have to compromise all my cases any way.

With many thanks for your complaisance, my dear Mr. Daniels, and my compliments on your receptive capacity.

I am always yours,

HENRY A. PAGE.

Aberdeen, N. C., May 13, 1902.

[Letter Charlotte Observer June 5, 1902.]

Page wants Clark's Boys. Will Put them to Railroad-ing—The Associate Justice's Letter to the Greensboro Gentleman—Shows that the Former was Down on all Corporations Until he Became Interested in Cotton Manufacturing Through his Son—A Scheme to Equalize Matters—What Simmons said about Clark being in the Enemy's Camp.

To the Editor of the Observer,

Judge Clark seems not to have requested the destruction of the letter he wrote a few days ago to the unknown gentleman at Greensboro, "who is largely interested in manufacturing enterprises." It is an interesting letter, worthy of the closest study, but I am not entirely satisfied that it

is a real Clark letter, since it lacks this evidence of genuineness.

The Greensboro correspondent, who sent out this news, says: "A gentleman here largely interested in manufacturing enterprises, wrote to Judge Clark some time ago, as to why he was so opposed to corporations, as was charged against him by certain interests or certain men in the community, and in some of the newspapers. Yesterday he received a personal letter from Judge Clark, and it so pleased him the following portions of it have been furnished the Evening Record for publication."

This gentleman did a very funny thing. To ask Judge Clark why he is opposed to corporations is like asking Mark Hanna why he buys votes. It is on a par with the question the rabbit asked the dog: "My dear sir, why is your upper lip so short, and where did you get your overpowering fondness for rabbit?"

Note you, good gentlemen, the answer pleased him. Mark replies: "I do not buy votes," and the dog said that a good providence had shortened his lip in order that he might the more easily display his white teeth as an advertisement for Sozodont. The guilelessness of that Greensboro gentleman is something wonderful. The answer pleased him.

Judge Clark begins that letter with this sentence: "Not a word that I have spoken nor a line that I have ever written justifies the charge that I am opposed to corporations." In the spring of 1895 the first fusion Legislature held sway in North Carolina. Judge Clark had been elected the fall before, along with the balance of the fusionists, by the very same voters. It has been charged and not denied that he was in close and confidential relations with them from this time on until a short while before the election of 1898. It is said that Senator (then Chairman) Simmons stepped out of Democratic headquarters one day in October, 1898, and said to some friends, "Boys, we have them whipped. Clark has not

had his foot in Democratic headquarters in nearly four years, until this morning. He has been in the councils of the enemy, and he knows what they know. The weather vane has turned; he spent the morning with us; they are whipped." We have cause to remember that Legislature of 1895. The incompetents and croakers came out on top for the first time, and honesty and decency took a tumble in the O'd North State. It fastened negro rule upon North Carolina; enterprise and thrift were at discount, and the flannel-mouth demagogue held full sway. But for the wisdom and patriotism and watchfulness of Adams, of Moore, and Dowd, of Mecklenburg, leaders of the five immortal Democrats in the Senate of that year, the fusionists would have succeeded in perpetuating incompetent government in this State.

As it was, they raked the State over, as with a fine tooth comb, for objects of oppressive taxation. It is charged that Judge Clark was consorting with these men, at one time seeking to undermine Butler, again praising him, as best suited his purpose of the hour. It is certain that he went out of his way to point out to them methods by which money could be raised, to be used, among other purposes, to pay white teachers, employed by negro committeemen.

In the 116th North Carolina Reports, spring term, 1895, page 446, I find the following in an opinion written by Judge Walter Clark. "As to corporations, by all the authorities, it is in the power of the Legislature to lay the following taxes; two or more of them, in its discretion, at the same time: First, to tax the franchise (including in this the power to tax also the corporate dividends); second, the capital stock; third, the real and personal property of the corporation (this tax is imperative, and not discretionary, under the *ad valorem* feature of the Constitution); fourth, the shares of stock in the hands of the shareholders. This is also imperative and not discretionary." This language was not used in a railroad case. It was Commis-

sioners vs. Tobacco Company, and applies to every private corporation in North Carolina—cotton mills, furniture factories, trading companies, etc. There does not seem to be anything in the case to call for such language and it can only be considered a gratuitous suggestion to that before-mentioned aggregation of fusionists, who needed suggestions as to ways and means of raising revenue to pay Jim Young his per diem, and other equally as meritorious expenditures. I lay this extract alongside of the judge's assertion that no line he has ever written justified the charge that he was opposed to corporations.

Again, near the close of this letter to the Greensboro gentleman, Judge Clark says: "I have never claimed, thought or asserted at any time, that our industrial corporations were not paying their full share of taxes, in fact it seems to me they may have ground for complaint in some respects." In 1895 he says, and it would seem unnecessarily calls the hungry fusionists' attention to the fact that these very same industrial corporations may be taxed four times, and must be taxed twice. But this was when he had no cotton mill stock, and before his sons were grown, or interested in cotton mills. Now, writing to his Greensboro friend, he says they may have cause for complaint. Cotton mill taxes to-day are heavy enough, but they in no way approach the glittering possibilities Judge Clark pointed out to his associate fusionists in 1895, nor do they even approach what he then considered mandatory, under the ad valorem feature of the constitution. Why should Judge Clark's opinions and views so change? Let us see. Now his son David is manager of the Ada Mills, Charlotte, and another son is manager of the Eugenia Mills, Jonesboro, the two owning half the stock of this latter mill, and the Judge himself a shareholder also. It is about the clearest pair of "before taking and "after taking" pictures I have ever seen. With this personal and family interests in mills, he now writes to another mill man, and says, the more tax the railroads

pay the less the mill will have to pay. To be sure. Certainly. Evidently. Of course.

He says his third son is now at the Agricultural and Mechanical College preparing for cotton mill work, the fourth will take up the same course next session, and the fifth as soon as he is old enough. If something is not done to divert this flood of Clarks from the cotton-mills, instead of taxes in any shape from them, we will have a cotton mill subsidy bill in our next Legislature.

I am going to see Mr. Petty and Mr. Blue, the owners of the other two private Moore county railroads, and lay some plans to get possession of those youngsters. There is just one apiece, and I believe we could reconcile them to railroading, if we catch them young enough. Then when they go home Christmas and Easter times they might take along a few shares of stock to their Pa. We would have three to two on the cotton mills, and after a while we'd get out of the woods. That is a pretty good scheme. According to the Judge himself, they will not have to know much to come up to our standards, and we can except them from our niggardly pay-roll, in consideration of the great issue at stake. There is but one drawback: I am afraid the Judge may think our roads too small, and refuse to let us have the boys. Mr. J. M. Turner tells a story of a drummer who was grumbling one day because he had bought a first-class ticket on Mr. Petty's road. He said there was only one car with a partition, both ends just alike, no difference whatever except the signs, "First" and "Second," over the doors. He was loudly lamenting the loss of the extra dime, when a fellow-traveler who had been there before, told him his ticket was all right, as he would find before he reached Carthage. The train pulled out, and ran away on the down grades, and almost stopped on the up grades, until finally it did come to a dead stop, balked. After a while the conductor put his head in at the door and bawled. "First-class pas-

sengers, get out and walk. Second-class passengers get out and push."

He says, too, that he overheard a conversation between an old gray-headed passenger and my conductor up towards Asheboro one day about as follows :

Conductor : What in the world are you doing with a half fare ticket? You know you are more than twelve years old?

Graybeard : "Yes, I am now, but I wasn't when we left Aberdeen."

It is a fact that Clif. Blue arranged a schedule between Aberdeen and Raeford, for one train a day from Aberdeen to Raeford, and two trains a day from Raeford to Aberdeen. As he had only three locomotives and two cars, this schedule lasted just 36 hours, and when it busted, his equipment was lost. Now if this kind of railroading comes up to Judge Clark's ambition for his boys, we are in for a deal.

This Greensboro letter, like everything else Judge Clark has said in this controversy, bears on its face overwhelming evidence of his inability to keep his personal interests and prejudices, his likes and dislikes from influencing his judicial desisions.

Yours, etc.,

HENRY A. PAGE.

Aberdeen, N. C., June 3, 1902.

[Charlotte Observer, Oct. 6th 1902.]

He Would Vote for The Devil—Varner Talks About Regularity. If the Labor Commissioner Does Not Look Sharp the Author of "If Christ Should Come" and the Editor of The Democratic Bible Will be After Him for Saying He Would Support Satan if Nominated by the Democrats—The Ridiculous Charge That Pritchard Kicked the Colored Man Out—The Negro Again Bobs Up, Despite the Fact That He Has Been Disfranchised.

To the Editor of The Observer :

The Democratic organization in North Carolina is still

demanding blind and dumb devotion, upon pain of excommunication. Two years ago the plea was that white men must vote together, whether they thought together or not, else the negro would be exalted to rule over us. We had been all along there, and we didn't want to try it again, so we stood together, 188,000 strong, and removed the nigger from politics. Having accomplished this, we thought we could at last talk about other things, things we believe in and would like to see done, without being pointed out as enemies of good government. But along comes another campaign, and up bobs Cuffy again. To be sure, he can't vote unless he can read and write, and do both pretty well (an accomplishment few of them possess), and not even then unless he has paid his poll tax (an expenditure of good money that does not appeal to the negro; he would much rather give his dollar to the circus man than to the sheriff). So we have set up two hurdles between him and the ballot, in his race for citizenship, and between the reading and the tax paying requirements Sambo is in a shy road for stumps when it comes to voting. Especially is this true when we come to think of the fact that Sambo's school master can raise the standard of reading to any sort of a high level that may be necessary to keep Sambo below it. If any negro in the State has supposed that his "Do-you-see-the-cow? Is-it-a-good-cow? Can-the-cow-run?" grade of reading is going to let him over the bars, when such scholars as William Gibson and Arch. Thomson and Rufe Fry are hearing the lesson, there is a rude awakening in store for him. Even the passing of that memorable milestone in education, "shady" and "baker" profiteth him nothing. He will have to stay head a whole week in antediluvian, valetudinarian, incompatibility and incomprehensibility before he can pass the examination "to the satisfaction of the registrar."

Old Ike is tax free, he says, having passed 50 some two or three years ago, so he will not be put to the tax-paying test, but he is anxious about his reading. Ten years ago

he got religion, and has since put in most of his time evenings in learning to read his Bible. The Book has been Webster, McGuffey and Smith, all three to Ike, and the old fellow has masterd it, he thinks, about as well as the average registrar. He says if they would let him read about "Dannell in de lium den" he is pretty sure he could pass muster, and he can't figure out for the life of him, why "de constertushun has been sot up ahed er de Testament." He cannot read a single word outside the Bible, and he really gets on pretty well with that, so he thinks it is all a trick fixed up with full knowledge of his limitations, for the express purpose of cutting him off.

Ike thinks negroes have degenerated since "Bible times." He tells me that the best he can get out of his readings is that niggers stood higher then than they do now, and seemed to stand in better with the white folks. He mentions Philip and the Ethiopian riding together in the chariot as an example of social equality in those days, but he added after a moment: "But I bet er dollar de white man wus setten back dar wid his hans crost makin' de nigger drive him, jes like I'se drivin' you dis minnit. But dere is one tony nigger in dar, soshatin' wid de qualerty an holdin' offis." "Who is that Ike?" I asked. Why, Mr. Henry, haint yer never read yer Bible? How cum yer haint never heerd ov Nigger Demus, de ruler er de Jews?"

But Ike is not grieving greatly over the loss of the ballot. He says, "Mebby my reading' haint gran nuff ter git me on de regerstashun book, but I'se larnt enuff wid it ter get my name writ in de Lam's book er life, an dat's better." He says he is sometimes glad he cannot vote any more. "De Publicans use ter tell me dat onles I votes de Publican ticket, de Dimmycrat gwine to put me back in slavery, an den er Dimmycrat wud cum long an offer me two dollars ter vote wid him, and twix de slavery an de money hit was powerful mixin." So in his more thoughtful moments Cuffy is glad he has lost the ballot; the democrats are pleased also, and the Republicans say they are, so all we

need to make it unanimous is to hear from Senator Butler, Judge Clark and the half-dozen other Populists still left with us.

In the constitutional amendment campaign of two years ago, Mr. Lacy made a speciality of declaring that we were proposing to take the ballot from the black man as much to keep him from hurting himself as to prevent his hurting us; in kindness to him, not in anger, nor yet in revenge; and he used to enforce his position by talking about a child with a open razor in his hand, and showing the danger to the child and to others. That was a powerful argument, logical and convincing, so we all agreed except Mr. Pritchard and a few other Republicans, and when the election came around we caught Sambo by the nape of the neck, and yanked him bodaciously out of the Republican party. By virtue of that majority of sixty-odd thousand Mr. Nigger became a wall flower in the political whirl. Now, two years later, we are going up and down, hither and yan, some hundred and seventy-odd of us, not counting the secondary batttery, big guns, spell-binders, every mother's son of us, accusing Mr. Pritchard of kicking the negro out, charging him with the basest ingratitude, and telling him he ought to be ashamed of himself. If you have any sense of humor at all, there is enough fun in this campaign to tickle you right straight along for a year.

A little while ago Mr. Varner, Labor Commissioner, had me by the ear, and was telling me that I could not be a Democrat unless I was willing to vote for every nominee of the party, good, bad, indifferent, and Walter Clark. We were walking together on the street, and he got so wrought up over my apostasy that hestepped out in front of me, and facing me squarely, declared, "Why, if the Democratic party should nominate the devil for an office, I would vote for him." This was after the Democratic State convention at Greensboro, so I was quite prepared to believe him.

I believe Judge Clark once published a very learned (if

sacrilegious) essay entitled, "If Christ Should Come," and Mr. Daniels advertises *The News and Observer* in his year book as "The Democratic Bible." If Varner does not look sharp these high cockoiorums of Democracy will get him for speaking of Old Nick in connection with a Democratic nomination. I am told that in the old muster days, after electing captain, lieutenant, sergeants and corporals, they would proceed to elect the drummer and then the dog-killer. Brother Varner's present position in the Council of State is along towards the foot, about drummer, I guess. This talk of devils is out of harmony with the administration, and if he don't want to drop to dog-killer he would better tune his harp to the pious twang of the head of the ticket and the boss of the press.

These hundred and seventy-odd spell binders are practically preaching Mr. Varner's doctrine. "What the organization does is sure to be right" is the burden of their song; but right or wrong loyal Democrats must not kick. There is a warning somewhere in Ike's Bible against following a multitude to do evil and when my party passes from questions of mere policy and expediency, across the dead line of morals, I for one shall not follow. That it has done this very thing I verily believe. A judicial meddler is no more fit for Justice of the Supreme Court than a kleptomaniac is fit for State Treasurer. There is food for much thought in Mr. Varner's declarations. I don't believe the devil wants office for himself. He has been busy putting his friernds in since offices were first invented, and office-holding, office-seeking, the fever for office is one of his most cunning devices to entangle men in the meshes that drag down to hell.

But Mr. Varner's object in stating his own position so forcibly was to convince me that, if I would be respectable, I, too, must be willing to vote for the devil. If this is a necessary condition to good standing in the Democratic party, I will have to confess that it is beyond my reach.

Still I am sure I am not a Republican. I wonder what I am any way? I wonder, too, if Mr. Varner is really going to vote for the devil any time soon?

H. A. PAGE.

Aberdeen, N. C., Oct. 4, 1902.

[Letter Charlotte Observer, Oct. 24, 1902.]

Another Chapter of Inside History on the Famous Wilsons Case, and How and By Whom It Was Worked Up—Could Clark Have Possibly Forgotten All These Things?—Other Strong Counts in the Bill of Indictment—Clark Not Fitten Nor Fit to Get Fitten for the Supreme Court Bench—Some Plain Pills, Without Sugar Coating.

To the Editor of The Observer:

Judge Clark has positively declared that Governor Russell wrote the famous "show cause" letter in the Wilson case. Russell says Clark wrote it. The paper itself sustains Russell's statement. There is abundant evidence in the original that it was interlined by its author, and Clark admits that he interlined it. In another case but little prompting was required to refresh Judge Clark's memory. Let us see if we cannot brush it up again, and convince him that he is wrong again and Russell right about this letter. These two and some other gentlemen took tea together one evening, at the house of a friend in Raleigh, and on the way home they dropped behind the others, and Judge Clark told Governor Russell about the Wilsons' connection with the Round Knob Hotel, (which he had just before investigated in the News and Observer office,) and also called his attention to the law giving the Governor authority to suspend the commissioners for cause, and urged him to remove the Wilsons, Russell's ejaculation, "By G—, that's a rich find," is characteristic of the man. Those were the exact words he used. Clark offered then and there to prepare the show cause letter, and as a result

of the conversation he did prepare it and submitted it to Russell, exactly as it is to-day. Nobody in the round world can believe that Judge Clark could possibly have forgotten all this; the investigation of the report printed in the Raleigh paper, looking up the overlooked statute, telling Russell of the rich find under the circumstances noted, and then writing that letter, yet he positively denies having done these things. What reasonable man can for a moment believe that Judge Clark even thought he was telling the truth when he said to Mr. Bachelor that he could not recall ever having written Governor Russell a line? It is bad enough to have taken the initiative in legal proceedings of this character, and then to sit in judgment upon the outgrowth of his own action, but what can truthful men and honorable men say or think of Judge Clark's way of getting out of a difficulty? Men are apt to make mistakes, to fall into error. Is it commendable or permissible to distort facts in excuse for error? What sort of a show has Justice in the hands of a man who does not hesitate to mistake facts in order to shield himself? Can any man approach a court presided over by such a judge with any sort of confidence that justice will be done, though the heavens fall?

I state here positively upon information in my possession, that the time and place and circumstances of the revelation Clark made to Russell were just as I have stated them. He says Russell prepared the paper; I say Clark not only prepared it himself, but he called Russell's attention to the law, and gave him the facts as to the Wilsons' alleged disqualification to act as railroad commissioners. When he says he did not, (and he has said so,) he tells an untruth, and I am satisfied he knew it to be untrue.

I say he sought to use the attorney of the Aberdeen & West End road as a witness before a Wake county grand jury to procure an indictment against the railroad that employed him. It is nothing to Clark's credit that this scheme failed.

I say he incited and suggested and urged Judge Robinson's charge to the grand jury in the free pass-cases, that he procured or suggested the evidence that went to the grand jury upon which the indictments were found, and that he sat in judgment upon these very cases in the Supreme Court.

I say further that there is not a lawyer of ability and honor in the State of North Carolina who is not at heart ashamed that a member of his profession should be guilty of conduct so entirely out of harmony with the high and honorable record of North Carolina attorneys.

Furthermore, I declare that he sought to induce Attorney Douglass to violate an agreement entered into by the attorneys in the free-pass cases. It had been agreed that the two cases at bar should stand as test cases, and settle the questions involved, and that no more prosecutions should be had for past offences. He wanted Douglass to hunt up others in violation of this agreement.

Oh, but they say his so-called offences have always been in the interest of the "people." Mr. Claude Kitchin used that argument in his nominating speech at Greensboro, and it is the whole of Mr. Daniels' stock in trade. What does that mean in plain English? Can it mean anything other than this; that all of Clark's departures from the stright up and down rule of exact justice have been against corporations, and therefore if not actually in favor of individuals, "the people," at least not against them; therefore you, "the people," should not count this against him? It is on a dead level with the argument that because a certain burglar has hitherto confined his operations to post-offices, we may be cock sure that he is never going to tackle banks, and moreover, the banks should not only be grateful to him for overlooking them, but perfectly willing also to trust him with the keys to their vaults. In the first place, stealing is stealing. In the second place, there is no man living who is willing to steal for you who will not upon occasion, also steal from you. Judicial trickery is

trickery, no matter who nor what class may suffer from it. The Judge who can be induced to juggle in justice for your benefit, will some day turn the trick on you, and you will find the pea under the other shell. To be sure this is a miserably low plane upon which to pitch discussion of a great moral question, but it suits the circumstances of the hour

It is true that the Democratic party has endorsed Judge Clark. I am honestly and truly sorry, for I protest that I love the party of Cleveland and Ransom and Vance, but can this or any other endowment make Judge Clark's secret manoeuvring honorable or entitle him to the support of men who love justice and hope to go to heaven when they die? I am a Methodist, and believe in falling from grace, and in recovering it also, and I would be the last man upon the earth to hinder a penitent; but was the convention at Greensboro a Methodist revival, and did anybody hear Walter Clark at the mourners' bench? Not I, surely, and I was there and very attentive. Instead, his spokesman excused nothing, but rather boasted of his departures from the straight path of judicial integrity.

The Democratic Bible says I cannot love the Democratic party, if I would reprove it for endorsing wrong. That may be good partisanship, but it is a long way removed from good morals or sound common sense. If your boy and mine, Mr. Daniels, should join in a raid on a neighbor's melon patch, which of the two would I punish, and why? Would the sight of your own boy, or a stranger, reeling drunk on the street, be more painful to you, and why, Mr. Daniels? Believing that the nomination of Walter Clark for Chief Justice is discreditable to the party of which I am a member, I earnestly hope he will be defeated for precisely the same reason that I would punish my own boy, and not Mr. Daniels' for stealing the melons.

Somebody suggests that Mr. Varner's remark about voting for the devil was made in "private conversation," and is not therefore entitled to consideration. We have

heard much of this "private conversation" excuse lately. What does it mean? Why it means that the leaders of the party do not want the rank and file to know what they really think of Judge Clark's conduct. They want the masses to be guided by their "public utterances," the plausible excuses they thoughtfully frame "for the good of the party." (Save the mark.) The truth is, these private statements are the only kind that are honestly made, or that are entitled to consideration by men who want to know the truth and do the honorable thing always. Governor Aycock's real opinion is that "Clark is not his kind of a judge," but he said to the public in his Youngsville speech that while he could not endorse all Judge Clark had done, still he was very deserving. Senator Simmons' private opinion is that Clark is "a political weathervane," yet he tells the public that he is a good Democrat to vote for. So with very many other leaders in North Carolina. I can count up a score in the front rank who know and have said that he is not "fitten, nor fit to get fitten" for Supreme Court Judge, who are nevertheless, his ardent supporters in this campaign. I do not know how men can so hide their real feelings and thoughts. I am sure I would forget the mask, and woefully mix my "private opinions" with "my public views."

I would to God that honorable men and brave men could dare to be true to conscience and Commonwealth, and bid ignorance and vice defiance always and everywhere.

Yours,

HENRY A. PAGE.

Aberdeen, N. C., Oct. 22, 1902.



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